Christopher Buckley on Punditus Insufferabilis

The Washington Monthly

May 2001
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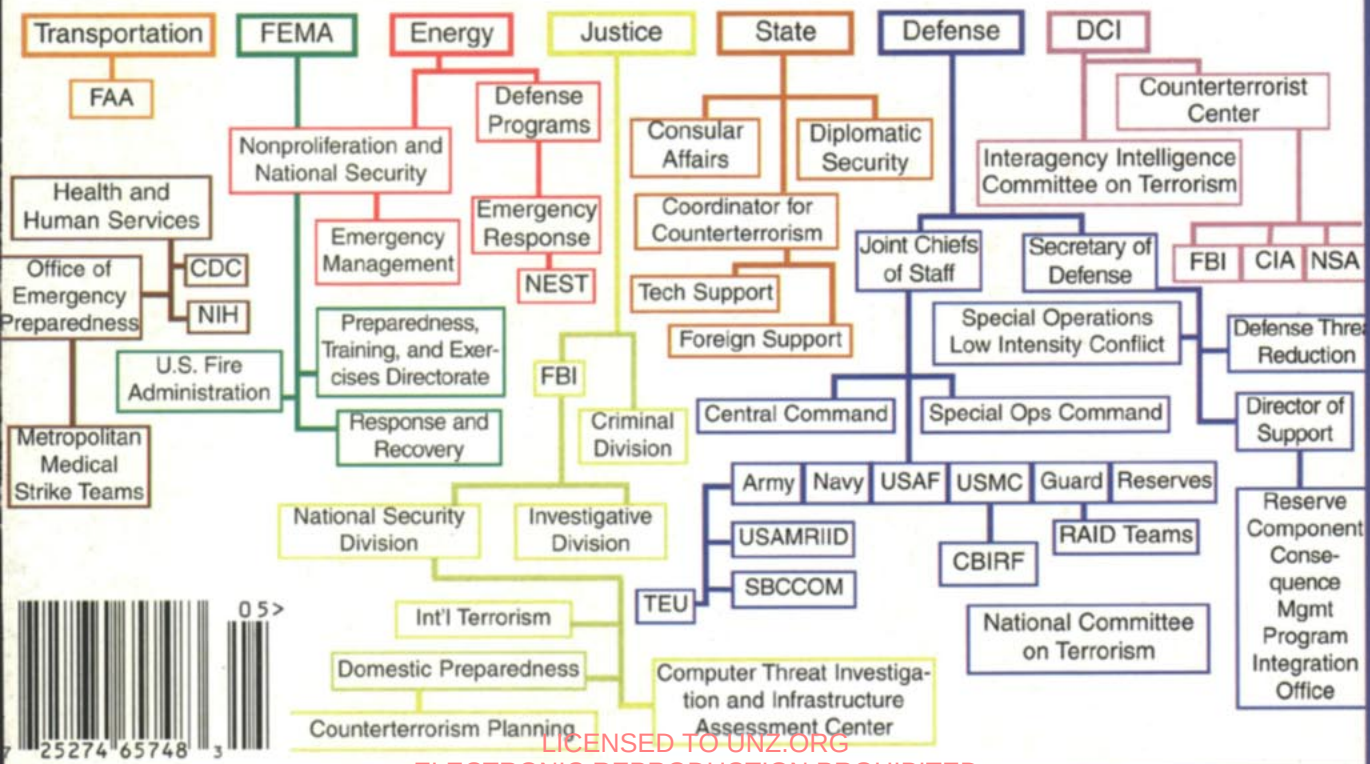
E. Fuller Torrey on Why NIMH is for the Birds

Can the Senate Mod Squad Save Us From W.?

Weapons of Mass Confusion

There's anthrax in your subway. Who you gonna call?



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Congratulations

To Charles Peters,
founder and editor-in-chief of *The Washington Monthly,*
on being inducted into the Hall of Fame
of the American Society of Magazine Editors,
May 2, 2001.

In announcing the honor, the Society noted Peters' career-long record
of excellence, creativity, and impact in these words:

"In the 32 years since he launched *The Washington Monthly,* Charles Peters has epitomized the crusading, public-spirited editor envisioned by the nation's founders as a bulwark of democracy. Working on a shoestring budget and miniscule salaries for himself and his skeletal staff, Peters created a small but extraordinarily influential political magazine that has changed the policy debate in Washington and spawned a generation of talented journalists...

"Every month, he combines seriousness of purpose in explaining the foibles of politics and government with a sense of fun and adventure in the reporting of public affairs. With few resources, Peters has consistently been months, even years, ahead of the mainstream press in covering stories of government and corporate abuse. And he insists on an analytical rigor and aversion to conventional and ideologically rigid thinking that has shaped the world view of countless political reporters, not to mention his astonishingly loyal readers."

From Charles Peters' and *The Washington Monthly*'s
many loyal and grateful readers at:

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United States Domestic Preparedness Program Organizational Chart courtesy of the Monterey Institute of International Studies' Center for Nonproliferation Studies.

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Letters

Pass ...

The article by Georgia Alexakis about the Massachusetts testing program ("Test Prep," March 2001) was the best treatment that I have read of this controversy. My compliments to the author.

DIANE RAVITCH
New York, N.Y.

... Fail

When I read "Test Prep" (March 2001) I wondered if Georgia N. Alexakis could possibly have seen the same MCAS 2000 test that I did. Take this one from the Science & Technology test for fourth graders:

Monique is taking a train to Boston. Her train is stopped at the station. She is facing the direction the train will be moving. All she can see from her window is the train next to her. That train is also going to Boston and leaves first. As the other train leaves, it seems to Monique as if:

A. she is moving forward
B. she is moving backward
C. the other train is moving backward
D. the train station is moving.

My Ph.D. physicist husband confirms my outrage at this question. There is no understanding of scientific principle on which a fourth-grader can draw to answer this question.

What Alexakis fails to report is that scholars have determined that the fourth-grade reading texts on the MCAS average a seventh-grade level of difficulty. So what does fourth grade "failure" on the test actually mean?

It does *The Washington Monthly* no credit to join the chorus line of those touting high-stakes tests. You quote Boston superintendent Thomas Payzant's support of the test. Why didn't you quote the letter he sent to teachers, demanding that a student's grades reflect his or her test performance? Payzant insists that a teacher must not give a passing grade in the course if the student didn't pass a state MCAS test unrelated to the curriculum. So a student's work counts for nothing; a teacher's judgment counts for nothing. MCAS rules. And, as observed above, a Boston fourth grader reading on grade level may well fail the test and, according to Payzant's edict, must fail the grade. Shame on him. Shame on you.

SUSAN OHANIAN
Charlotte, Vt.

I'll Take Aspirin

Andrew Webb's article, "Silence = Relief" (March 2001), misses the boat. "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" (DADTDPDH) undermines our national security. Forcing gay, lesbian, and bisexual service members to hide, lie, evade, and deceive their commanders, subordinates, peers, families, and friends breaks the bonds of trust among service members essential to unit cohesion. Forcing commanders to discharge mission-tested, valued members of their team because of who they are impairs mission readiness. Enforcing a law that treats an entire group of Americans as second-class citizens undercuts the very liberties and freedoms our military members fight to protect.

We believe the days of DADTDPDH are numbered. Contrary to what Webb reports, 70 percent of the American public supports gays in the military according to the latest Gallup polls.

Contrary to what Webb reports, experience shows that lifting a gay ban is easy. None of the 23 foreign militaries that have lifted their gay bans, nor the CIA, FBI, National Security Agency, or Secret Service, nor the scores of American police and fire departments that lifted their bans, have reported a decrease in performance. Senior British Ministry of Defense officials say that the policy change was a "non-event."

Even Charles Moskos, the author of DADTDPDH, backed away from the position that lifting the gay ban would undermine the military in a recent interview in *Lingua Franca*.

To suggest that the majority of gay, lesbian, and bisexual service members do not yearn for the same liberty and freedom as their heterosexual counterparts in uniform is folly. To suggest that "pragmatism" requires that the bigotry of a few trump the liberty of others defies everything that is basic, fair, and decent about being an American.

C. DIXON OSBURN,
EXECUTIVE DIRECTOR
Servicemembers Legal Defense Network
AARON BELKIN,
DIRECTOR
Center for the Study of Sexual Minorities in the Military

The editors reply:
As we wrote in March's "Tilting at Windmills," this magazine supports gays serving openly in the military, but we agree with Webb that many may want to stay in the closet.

Bench Marked

I want to commend Jamin Raskin for his article "Bandits in Black Robes" in the March issue of *The Washington Monthly*. My lone criticism of the article is that it does not go far enough.

Even after the *Bush v. Gore* decision, I suspect that most people would consider the judiciary easily the most respected branch of the federal government. To some degree, this respect has been earned by the relative civility with which the court conducts itself, at least in comparison with the other branches of government. Part of this perceived civility, however, is a product of the traditional secrecy with which the court has gone about its business. While the media regularly trumpets the indiscretions of elected officials in Congress or the executive branch, one almost never encounters such a piece about Supreme Court justices.

I have come to the conclusion that the main reason that the court is rarely criticized is because it is too important and delicate.

It basically serves as the foundation upon which the stability of our society is built. People are so afraid of an environment in which the public does not respect the court that they will not criticize it in any meaningful way. This is unfortunate. As the third branch of our government, it should

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be just as prone to criticism as the other branches. Yet for instance, when it decides, as it has done recently, to take fewer cases, and issue more opinions for each case it takes, hardly anyone looks askance.

It is bogus to assume that the court is not a political beast; so it likewise is bogus that the media does not treat it as one. Articles like Raskin's are welcome but far too infrequent. Yes, the court plays a vital role in ensuring that the foundation of society is stable. But I would trade disingenuous stability for an honest volatility any day. As Jefferson said, a little revolution now and then is a good thing.

THAD MCBRIDE
Washington, D.C.

Have a Lil' Faith

I am writing with regard to your March 2001 "Tilting at Windmills" about religious organizations receiving funds from the federal government. I am a former chair of our local Catholic Charities and a CPA. Catholic Charities, along with many other "faith-based institutions," currently receives operating money from the feds. It comes in the form of service contracts for a variety of social-service activities. We also receive federal funds for low-income housing projects. This has been going on for years, but suddenly our new president has had an epiphany. This is not new. It just sounds like an idea to move more off the federal plate. The problem is that private charities don't have the capacity for a significant increase in services nor do they have the financial capability to deal with a shift in the political wind. If this supportive idea were suddenly reversed, it would be a disaster, financially and programmatically.

As to the property-tax exemption, all 501(c)(3) organizations, at least in Oregon, are exempt, not just churches. Universities, hospitals, Planned Parenthood, etc., are free of property tax. In addition, if they are renting property, the landlord can get that property exempted and pass the savings on to the charity in the form of lower rent.

But you're right that no exempt organization would be happy about paying property tax. Yet it seems to me that the exemption is an appropriate public subsidy for the work those organizations perform. They help the entire community, if not directly, at least indirectly, so I think it's good public policy.

BOB WYNHAUSEN
Portland, Or.

Megalomedia

I'm writing to applaud Jonathan Rowe's article, "Reassigning Tim Russert" (March 2001). Rowe suggests that the media should routinely mention how much a representative, senator or other legislator received from industry and lobbyists. Clearly, the Washington press corps has a double standard: Former President Clinton is automatically guilty of "scandal" for anything tied to campaign or library funds, while current legislators are automatically benign of being influenced by free-spending lobbyists.

At least writers like Rowe are getting wise to the multimillionaire media mouths and their sense of entitlement.

LAWRENCE BROH-KAHN
via e-mail

He Who Throws Stones

There is plenty wrong with Washington reporting, but please spare it from Jonathan Rowe and his editors. The overall theme of your March cover story is that daily newspapers and television news shows should be just like the *Monthly*. What we need is not more of the same, but better of the same. Rowe would have major outlets "have professionals on call to dissect studies." They already do. They are called reporters. They report what has been printed in journals already reviewed by other scientists for accuracy and meaning. Rowe's own credibility suffers in the space of three lines where he misspells "vocal chords" and misuses "with regards to." On the same page, Matthew Cooper tells us that "we're often mislead (sic) by our prior experiences." Like using a dictionary?

IRA R. ALLEN
Bethesda, Md.

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Tilting at Windmills

BY CHARLES PETERS

Red Light Runners • Ivy Singles • Lady Lawyers
Suspicious Surpluses • Corona and Verona • The Buckley Conflict

TREASURY SECRETARY PAUL O'Neill made a speech on March 31, suggesting that the government "should be able to close down businesses that do not meet a mandated level of workplace safety" reported *The Washington Post*. Apparently, O'Neill had not read another *Post* story that week which began, "The Bush administration yesterday ordered the suspension of a Clinton rule that would have significantly strengthened the government's ability to deny contracts to companies that have violated workplace safety, environmental, and other federal laws." This appears to be another case, like EPA's Christie Whitman and global warming, where the subordinate is right and the White House is wrong. Maybe we'd be better off with a Bush administration in which the inmates run the asylum.

••••••••

MY FEAR THAT GOVERNMENT IS attracting less than the ablest young people has been confirmed by Seth Stern in an article for the *Christian Science Monitor*. Less than a third of the graduates of the Fletcher School of Law and Diplomacy are entering the federal service. And the same is true of slightly more than a third of the graduates of Carnegie Mellon University's Heinz School of Public Policy and Management. The situation is sufficiently dire that Harvard's Kennedy School of government is forgiving loans to students who agree to serve as Presidential Management Interns and giving free tuition to some students who commit to three years of public service after graduation.

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IF JASON DEPARLE'S *New York Times'* articles on welfare didn't convince you that getting a job doesn't end the problems of welfare recipients, be sure to read Katherine Boo's "Does Welfare Make You a Better Mother?" in the April 9 *New Yorker*. Boo describes a single mother whose departure from welfare has in many ways been a success story. She's a policewoman, holds another part-time security job, and supports her family of four. But even with a good heart and the best intentions in the world, she doesn't have enough time for children. One incident after another tellingly described by Boo makes clear what her children are missing and the pathetically inadequate array of resources available to help her, the most miserable of which are the D.C. public schools (including, by the way, the charter schools that were supposed to save us).

The great irony is that the biggest backers of making welfare mothers work are the same conservatives who urge middle-class mothers to stay home. Why is it good for welfare mothers to work, and not for middle-class mothers? I remember making this point to my friend Mickey Kaus just as he launched his on-the-whole-admirable campaign to get liberals to face the need for welfare reform. But Mickey brushed it off, saying it was more important for the welfare children to have the example of a working adult. A good point, but it didn't and still doesn't answer their need for a mother. Liberals also find the news difficult to face because they are so anxious to defend the right of mothers to work that they don't want to acknowledge any downside that can't be cured by quality day care.

The Peters solution for welfare mothers with small children: part-time work which would satisfy Mickey's point and high-quality day care while that work is being done, which should make my fellow liberals happy.

The only problem with the Peters solution is that, although I planted its flag a decade ago, I definitely do not see an army, or even a few stragglers, when I look behind me.

••••••••

IRS EMPLOYEES GIVE THE WRONG advice on tax questions about half the time. Investigators from the Treasury Department's Inspector General's Office posing as taxpayers were given incorrect answers to 47 percent of the questions they asked IRS employees who answered the agency's toll-free help line. Thirty-seven percent of the calls didn't go through.

What's the explanation? For the wrong answers, I suspect the grotesquely complicated internal revenue code that Congress has created is a major culprit. When the income tax was begun in 1913, the instructions took only one page. Today, only a genius in both law and accounting could be expected to answer all the questions. But 47 percent wrong is high enough to suggest that the IRS needs better people. And it needs more of them. The unanswered questions demonstrate that the IRS doesn't have enough people to do the job.

Since 1992, as the number of tax payers has grown by 10 percent, the number of IRS employees has declined from 115,000 to 97,000. Audits are the best way of catching cheaters, but the audit rate has fallen by two-thirds just since 1995.

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SPEAKING OF INEPTITUDE, THE District of Columbia's government is, of course, the undisputed champion. The latest evidence comes from the 862 traffic tickets given to city agencies whose cars were caught by a

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camera running a red light. Eleven of the 21 agencies involved have not been able to identify any of the guilty drivers. Since the tickets state the place, date, and time of the offense—I know because I got caught—this means the agencies have no idea who's driving their cars where or when.

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IN 1965, ABOUT A THIRD OF AMERICAN women smoked, compared to more than half of men. Today, the difference between the two sexes is only four percent. The result: "Smoking-related deaths have doubled for women since 1965," according to *The Washington Post*'s Abigail Trafford. This has to be one of the great disasters of the women's movement. As they move into male roles they take on male values—and male anxieties. Unfortunately, as U.S. Surgeon General David Satcher put it, "Women who smoke like men die like men."

Maybe we'd be better off with a Bush administration in which the inmates run the asylum.

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ONE REASON MORE WOMEN ARE smoking may be that so many are becoming lawyers. Last year women made up 49.4 percent of first-year law students. When I was a lawyer, I smoked three packs a day. If you're a litigator, constant worry goes with the territory—what is your client thinking, what is the opposing lawyer thinking, not to mention the witness on the stand and the judge and the jury, and the appellate court that may second-guess your every move? If you're the kind of lawyer who works on documents in the backroom, self-flagellation is required to keep you alert enough to spot that one little variation in reams of numbing legalese that makes your client the loser in the big merger instead of the other guy. It's like, as one colleague put it, trying to find a flyspeck in black pepper on a dark night. A cigarette helps, or at least seems to.

Some people really love the law and are hardy enough not to let the anxiety get them down. Some manage to find work that is genuinely interesting in the service of clients, and causes, they truly believe in. But I have to say that these "somes" are less than a third of the lawyers I've known. Most really don't like their practice. You can see their unease begin even in law school. Only a minority of the students seem really excited by the intellectual content. Even those who find parts of it stimulating as I did, often find other courses dull, sometimes stupefyingly so. So ladies, unless you really love the law, follow the advice I've long given other unhappy lawyers—get out now. Throw away that pack of Marlboros and find work you truly enjoy.

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SOMETIMES HOWEVER, LAWYERS get a bad rap. One we've all heard is about how they're suing doctors too much. But my hometown paper, the *Charleston Gazette*, has studied malpractice claims in West Virginia and found that during the last eight years they have not increased but declined. Less than 4 percent of the state doctors were involved in claims filed in the average year. And the claims do not appear to have been frivolous. More than two-thirds ended with a settlement or verdict for the claimant.

What turns out to be the story is that a few doctors account for most of the damage. Twenty doctors had more than five claims made against them. Forty accounted for more than one-fourth of the verdicts and settlements. Some of the propaganda from the medical association and insurance companies is demonstrably false. For instance, they tell the legislature that doctors are leaving the state because of malpractice claims. Yet the *Gazette* found that the number of West Virginia physicians has actually increased in the last decade. But the propaganda goes on because, among other factors, the state's main malpractice insurer pays the state medical association "at least $115,000 a year to lobby legislatures on the company's behalf."

This insurance company recently persuaded the state to raise the rates by 35 percent, alleging that it was losing money in the state. Yet the *Gazette* found that between 1995 and 1999, the agency had collected $71.8 million in premiums from the state while paying only $44.2 million in claims. One other tidbit from the *Gazette*: the doctors who complain the loudest about malpractice cases are often the doctors who are themselves guilty of malpractice.

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ANOTHER REASON TO THINK TWICE about Bush's tax cut: the Congressional Budget Office projections of a 10-year surplus of $5.6 trillion that are used to justify the cut. The projections assume that capital gains realization will continue at almost the record levels of last year, dropping gradually from $652 billion to around $550 billion. "CBO is assuming that the extraordinary capital gains revenues are here to stay," economist Mark Zandi tells Tom Redburn of *The New York Times*. Another economist, Robert J. Barbera adds, "Estimates of revenues will prove to be greatly exaggerated." So, unless you're confident that the stock market of this decade will repeat the performance of the last, a tax cut of the size proposed by Bush might not be such a good idea.

••••••••

BACK TO RELIGION. I WROTE A FEW months ago that the voucher argument was becoming irrelevant because parochial schools were running out of space. Take Washington area schools. Even without vouchers, "There are far more parents wanting to put their children in parochial schools in Northern Virginia than there are desks for them," according to a recent article in *The Washington Post*.

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LAST MONTH I MENTIONED SPEAKER phones in cars as a possible substitute

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for a total ban on cell phones. But the more I think about it the less I like the idea. Even though your hands are left free by the speaker phone, your mind is occupied by your conversation instead of what's ahead of you on the road. Even ordinary conversation in the car demonstrates the danger. When my wife and I start talking, we will often miss a turn. If the discussion turns into one of those domestic disputes, we end up in Maryland, in which case the dispute becomes even more heated as we try to blame each other for the error. The point is that any conversation can distract, so why add to the risk with a phone? By the way, just in the week this issue is going to press, a friend of ours was hit and injured by a motorist talking on a cell phone. And I saw another woman pushing a baby across the street in a stroller, absorbed by her cell phone, not looking either way

Media moguls usually act as if broadcast licenses were conferred on them by natural law or divine right.

•••••••

AS REGULAR READERS KNOW, I FIND it difficult to resist stories of bureaucratic travel abuse. The latest comes from Montgomery County, Maryland, where Liquor Control Director Howard Cook managed to increase his travel budget from $3,800 in 1997 to $46,000 in 2001. It turns out he and his associates had been visiting vineyards in California, a four-star hotel in Verona, Italy, a Corona beer conference in Mexico, and a "Jack Daniel's Single Barrel Society" gathering in Tennessee. Why do they have to go? One of Cook's associates told *The Washington Post*'s Jo Becker that the trip to Verona was an opportunity to "test new products." Why can't the products be tested in Montgomery County?

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SOME EDITORS ARE SKILLED AT making sure articles are well written; some are demonic in making sure the facts are right; but few are good at challenging the argument made explicitly, or more often implicitly, by the piece. The articles hailing the success of welfare reform frequently fail to ask what happens to those who have left welfare. Do they have jobs? What kind of jobs? How long have they been able to hold them? Is their life significantly better? What problems remain? What can public agencies do to help? How do these agencies need to be changed in order to give more effective assistance?

Obviously short pieces done under daily deadline pressure can't be subjected to this kind of scrutiny. But we can and should expect the editor of a long article or series to demand that the writer supply context, explain significance, and, most especially, examine the evidence that lies behind the opposing quotes that otherwise leave the reader hanging.

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HERE'S ANOTHER DISCOURAGING fact about the District of Columbia's school system. Sixty-two percent of the city's residents are in the two lowest levels of literacy. Level 1 readers, who constitute 37 percent, don't read well enough to follow map directions or fill out Social Security applications. Level 2 readers, another 25 percent, can't use a bus schedule or read and summarize magazine articles. 17,000 of the poorest readers are district women on welfare. What kind of jobs are they going to be able to get?

The city has an adult literacy program, but, according to *The Washington Post*'s Colbert King, to whom I'm indebted for these facts, it serves less than 3 percent of the people who need it. So here again we see a need for more public money to fund a program large enough to meet the need. Conservatives have to face this fact. But we also need to fire the large number of incompetent teachers and administrators who have made the D.C. school system the disaster it is. And liberals don't like to face this. I remember discussing this issue with one of the best liberal journalists, William Greider, in the '80s. Bill said his kids were in the D.C. public schools and he didn't see any problem. The catch was that his kids attended one of the handful of public schools in the prosperous Northwest section of Washington where the Greiders and other influential parents demand quality and push to get rid of teachers and principals who just don't have it. Kate Boo's former welfare mother not only doesn't have this kind of influence, she doesn't have time to try.

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EIGHTY-FIVE PERCENT OF FOOD poisoning comes from fruits, vegetables, seafood, and cheeses regulated by the FDA, reports *The New York Times*. The catch is that the FDA has less than a tenth of the inspectors of the Department of Agriculture, which guards against the remaining 15 percent of the danger. The result is that the FDA inspects food manufacturers only once every eight years.

You could conclude that inspectors should move from Agriculture to FDA, but not unless you are confident that meat and poultry don't need at least the level of inspection they're getting now. (In fact, as a recent series in *The Washington Post* demonstrated, what the agricultural inspectors need is not less work but more authority.) Isn't the right answer that the FDA needs more money to hire more inspectors? Of course it does, and that is just one of the many needs for more public money—from having the revenues to provide health care for the uninsured to the funds needed to bring inadequate schools up to snuff. That makes Bush's tax cuts seem unwise. As our contributing editor, Matthew Miller points out, Bush's tax cuts are going to mean that the discretionary

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domestic budget—total funds available for all the programs I just listed—will shrink to 2.5 percent of GDP. Even under Ronald Reagan and George Bush senior, the figure averaged 3.3 to 3.4 percent.

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SPEAKING OF NEEDS FOR MONEY FOR the District of Columbia, did you know the city's sewer system is 130 years old? Some of it is actually made of wood. "During periods of heavy rains," reports the Associated Press' Darrell Holly, "storm water and waste water mix together enabling raw sewage to flow unimpeded into the waterways [Rock Creek and the Anacostia and Potomac rivers] that ultimately drain into the Chesapeake Bay." $12 million is needed to begin fixing the problem in the next year. Where is it going to come from?

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AFTER A YEAR OR SO IN POWER, new administrations tend to become defensive about whatever deficiencies are revealed in the government they oversee. Up until then, they can usually get away with—and often are justified in—blaming it on the other guys in the preceding administration. But sometimes the defensiveness is so much a part of the new gang that it begins to show up immediately. Consider Deputy Defense Secretary Paul Wolfowitz (on whom you will find more in "Who's Who"). When the army recently lowered the readiness rating of its 3rd infantry division, Wolfowitz tried to get the rating reversed, according to Paul Bedard of *U.S. News and World Report*, even though the readiness decline could have been blamed on the Clinton administration.

The champion of this form of paranoia was Richard Nixon. When the Pentagon Papers were leaked, he exploded and got the Justice Department to try to keep *The Washington Post* and *The New York Times* from publishing them—even though all of the misdeeds exposed in the papers happened in the Kennedy-Johnson period. It seems that Nixon so hated leaks that helped the truth get out that he instinctively sought suppression.

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THE MONTHLY'S CONFLICT-OF-interest policy, as Christopher Buckley suggests on page 48, is a bit unconventional. In Buckley's case, we have twice asked him to review books we already knew he liked. If we respect the reviewer, we're not bothered by knowing his sentiment in advance. What harm is there? Looking for the harm is the key to our conflict-of-interest policy. It's not whether an official stands to gain personally from a decision, although that is of course grounds for suspicion, but whether, when all the evidence is considered, the decision was a good one or, at least, mainly made for good reasons. Too often reporters jump to the conclusion that the conflict itself makes the official action wrong. Every newsroom should have engraved on the wall Michael Kinsley's question, first asked in these pages 20-years ago: Is it a conflict of interest for a mother to have a second child?

Government can decide, often wisely, to remove officials from temptation by forbidding even the appearance of a conflict of interest, but that simply does not mean that every official involved in a conflict of interest always acts wrongly or for wrong motives. What we find least attractive about our colleagues in the press is when, because they have spotted a conflict, they refuse to even consider the possibility of a right action or a good motive.

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I'M OFTEN ASKED IF THE LOCK BOX where politicians love to say Social Security funds are safely tucked away is real. The answer is no. Your Social Security payroll taxes are not neatly stashed away in a mountain of cash locked in a giant vault. They are used to make payments to the current Social Security recipients and to buy government bonds. Some readers wonder if the people won't have to pay off these bonds some day. The answer is yes. But the money that goes into the bonds does decrease this year's deficit. The catch is that, when the bonds come due, they add to that year's deficit. But the good news is that the bonds are paid with interest, from general revenues instead of Social Security tax receipts. For those of us who deplore the unfair burden the payroll tax puts on workers, this makes sense. General revenues come mainly from the income tax which is more progressive than the payroll tax, meaning the rich pay more.

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WARREN BUFFET WAS ONE OF THE early backers of this magazine, but since his last investment was made 30 years ago I hope I won't be accused of some kind of conflict of interest for saying a few words on his behalf. They have to do with his ability to rise above his own self-interest. His stand against eliminating the estate tax is an example. Another is his recent call for broadcasters to contribute time to political candidates. It is unusual to say the least to hear the owner of a large amount of stock in a media empire, in Buffet's case the Washington Post Company, which derives a substantial hunk of its profit from the television stations it owns, to frankly describe broadcasters as "beneficiaries of incredibly valuable licenses courtesy of your government." Media moguls usually act as if these licenses were conferred on them by natural law or divine right.

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DOES SNOBBERY SURVIVE IN the meritocratic class? You may not find this evidence conclusive but I offer it as at least a suggestion that the new elite is like the old in wanting to keep its blood line pure: the newsletter of the Vassar Club of Washington, D.C. listed as two events in its Coming Attractions for April-May: "April 20 - All Ivy Singles - hosted by Yale; May 18 - All Ivy Singles - hosted by Vassar."

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Beyond The Beltway

What are the problems confronting local governments, and how are they solving them?

Claimjumpers

A LOT OF PEOPLE DON'T TRUST insurance companies—for good reason. Insurance companies are notorious for taking customers' money and then finding creative ways to avoid paying claims. They price-gouge the black community and drop your car insurance as soon as you ask them to pay for your first fender-bender. And mostly, the insurance companies get away with it.

The reason? They're regulated by a crazy quilt of different agencies for every state and the District of Columbia, with no federal oversight. And those regulatory agencies are too frequently more cozy with the insurance industry than with the consumers they are charged with protecting from it. After all, their budgets often rely entirely on the fees paid by insurance companies they regulate.

Recently, though, there's been talk of tossing the current system and bringing the insurance industry under the federal umbrella. But not because they're sticking up for black consumers or other aggrieved policy holders. No, like most political moves, the regulatory change is being pushed by the industry itself. In the past, the industry has been wary of switching to a federal system, preferring instead the more lax state regulators and disorganized state watchdog groups.

But in 1999, Congress passed the financial modernization law which created powerful new competitors to the insurance industry: banks and securities firms, which can now, for example, offer long-term investment packages that compete with life insurance. The insurance companies, at least the big ones, now seem to feel that they would be better off with regulations set nationally instead of facing 51 different sets of state regs.

The insurance industry, though, has one small problem in trying to change the system. State insurance commissions collect more than $10 billion in state taxes and fees from the industry, while spending less than $1 billion regulating it—and they're not about to give up that much dough without a fight.

In an attempt to persuade the insurance industry to slow the move towards federal regulation, the National Association of Insurance Commissioners (NAIC) is frantically working, for example, to allow companies selling insurance in more than one state to file just one set of rates and forms to an organization set up under NAIC. A 10-state test has been scheduled for later this spring.

But none of the current proposals would do much to protect consumers—just the state regulators, and maybe the insurance industry. And should we really trust anything that gives a sweeter deal to an industry that has been able to manipulate regulation at will for decades?

The preceding piece is drawn from "The Riskiest Business" in the March 2001 issue of Governing Magazine.

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Bird Brains

While 2.3 million Americans suffer from bipolar disorder, the National Institute of Mental Health is studying how pigeons think

By E. Fuller Torrey

Birds are everywhere at the National Institute of Mental Health (NIMH). There are sparrows, finches, canaries, bluebirds, parrots, doves, and even rare bowerbirds—all the subjects of research studies. And, of course, there are pigeons. The Institute has 14 research grants on pigeons alone. There are so many birds at NIMH that St. Francis is rumored to be on the short list for NIMH's next appointed director.

NIMH is supposed to be the federal government's pre-eminent medical research institution, investigating the cause and better treatment of serious mental illnesses such as schizophrenia and bipolar disorder, which are expensive, debilitating diseases. But the birds are partial evidence the Institute has run afoul of its basic mission.

The 14 research awards to study pigeons, which together total over $1.2 million per year, were all given to psychologists who propose to learn how pigeons think. In one of them, for example, pigeons are shown a series of pictures to see whether they can recognize the same object differently represented. According to NIMH, this will tell us "how pigeons extract categorical information from photographs of real objects and learn abstract relations." The next time you toss the remnants of your sandwich to our feathered friends in your local park, you will no longer have to wonder what the pigeons are thinking. Just call NIMH and someone will tell you.

Altogether NIMH is currently supporting 33 research grants to study birds. These can be seen on the Internet by going to www.nih.gov, clicking on the CRISP database under "Grants and Funding Opportunities," then typing in "pigeon" or "songbird" under search terms. If, on the other hand, you wish to know how many research grants NIMH is supporting to study bipolar disorder (manic-depressive illness), type in "bipolar." The query will yield a total of 128 hits, but many of these have little or nothing to do with bipolar disorder. Only 14 of them—the same number of research grants given for studying pigeons—are related to testing medications for improving the treatment of this illness. By NIMH's own figures, bipolar disorder affects "more than 2.3 million Americans ages 18 and over" or "about 1 percent of the population," and many of these are in need of better medications for treatment.

Given this meager allocation for research resources for the treatment of bipolar disorder, how does NIMH justify its avian inclinations? Studies of pigeons are said to help us understand cognitive processes and learning. For example, according to NIMH, the research grant described above, in which pigeons are shown a series of pictures, "will increase our understanding of higher-order human cognition, contribute to the detection and development of treatments of cognitive disorders, and facilitate ecologically valid educational practices."

A newcomer to Washington might naively think that facilitating "ecologically valid educational practices" is the responsibility of the Department of Education. But that is not how Washington works. Success in Washington comes from constantly enlarging one's institutional boundaries, and nobody has done this more successfully than NIMH.

Among NIMH's recent research awards are projects that should have been assigned to the Department of Education ("Understanding Reading Problems in At-

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Risk Children"), the Department of State ("Coping with Change in Czechoslovakia"), the Department of Justice ("Models of Face Recognition"), and the National Transportation Safety Board ("Software System for Prediction of Shiftwork Alertness"). Even within the National Institutes of Health, NIMH assumes responsibility for research projects that clearly belong to other institutes. Recently funded examples include "Ruminative Style Effects on Delay in Breast Cancer," "Mental Health and Lung Transplantation," "Self Regulation and Susceptibility to Colds and Flu," and "At-Risk Irritable Infants."

In reviewing NIMH's research portfolio, it is difficult to find any subject area that NIMH has neglected. Even the arts are represented by research grants such as "Perception and Production of Expressive Microstructure," a project which, for $210,472, studies "the expressive microstructure of music—the systematic variations in timing, dynamics, and articulation that make performed music expressive and aesthetically appealing." NIMH's portfolio is so broad that it qualifies as having delusions of grandeur. Indeed, if NIMH presented itself as a patient, it would be immediately started on lithium.

NIMH's grandiosity is the heart of the problem, for amidst its dabbling in everyone else's work, it has forgotten to do its own. A 1999 study by the National Alliance for the Mentally Ill of NIMH's 1997 research grants ("A Mission Forgotten: The Failure of the National Institute of Mental Health To Do Sufficient Research in Severe Mental Illnesses") reported that only 8 percent of its total grant funds were allocated for research on clinical or treatment aspects of schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, and panic disorder combined. In 1997, NIMH spent more money on AIDS research, which is the primary responsibility of the National Institute of Allergy and Infectious Diseases, than it spent on schizophrenia research.

A follow-up study by the Treatment Advocacy Center of research grants funded by NIMH in 1999 (available on www.psychlaws.org/nimhreport/index.htm) reported no improvement over the 1997 allocation. The number of research grants that targeted clinical or treatment aspects of severe mental illnesses remained at 8 percent. Only eight new grants were related to clinical or treatment aspects of panic disorder, the same number of new grants that studied songbirds, and only four new grants were related to clinical or treatment aspects of obsessive-compulsive disorder, the same number of new grants that studied fish. It was not supposed to be like this.

Straying From The Park

When NIMH was officially signed into existence by President Truman on July 3, 1946, its principal purpose was to support research on severe psychiatric disorders. At the House and Senate hearings that led to its birth, testimony focused on the overcrowding of state psychiatric hospitals and on the large number of men who had not been able to serve in World War II because of severe psychiatric illnesses.

Surgeon General Thomas Parran pointed out that "half of all hospital beds in the country, some 600,000, are occupied by mental patients" and "125,000 new cases of mental disease are admitted annually." Maj. Gen. Lewis Hershey, director of the Selective Service System, provided detailed testimony about the 18 percent of men who had been rejected for induction because of severe mental illnesses and the additional 14 percent who had been rejected because of mental deficiency; thus, one-third of America's potential fighting force was ineligible because of medical problems affecting their brains.

The original bill that led to the creation of NIMH was even entitled the "National Neuropsychiatric Institute Act," emphasizing its medical mandate. And during the hearings several speakers cautioned that this new addition to the National Institutes of Health should focus its resources on psychiatric illnesses, not on "personal problems." In her testimony, Ms. Lee Steiner, for exam-

"Tell me about your mother"

Illustration by Christina Larson

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ple, strongly urged NIMH to focus on "psychiatric disorders" rather than problems such as "unhappiness over maladjustments in work, the problems of love and courtship ... The psychiatrist is not the specialist here. Even the best-trained psychiatrists do not necessarily have an internship in the problems of normal living."

NIMH, however, had much grander plans than merely confining itself to severe psychiatric disorders. The psychiatric architects of NIMH had all been trained in Freudian theory and believed that there was a continuum between mental health and mental illness. Dr. Robert Felix, the first director of NIMH, was trained as a psychoanalyst and claimed that "prevention of mental illness implies ... the provision of a climate in which each citizen has optimum opportunities for sustained creative and responsible participation in the life of the community and for the development of his own particular potentialities."

Dr. Stanley Yolles, the second director of NIMH, stated that psychiatrists had the responsibility "to improve the lives of the people by bettering their physical environment, their educational and cultural opportunities, and other social and environmental conditions." And Dr. Bertram Brown, the third director, urged psychiatrists to think of themselves as community "caretakers" and to be involved in such activities as "city planning." "It is more than fantasy," said Brown, "to conceive that one form of assistance to a mayor may be a psychiatrist, since this has already happened in New Orleans."

By the late 1960s, NIMH was involved in activities such as city planning. Dr. Leonard Duhl, a high-ranking NIMH official, claimed in 1968 that the role of mental health professionals should be as a "change agent in society," with the goal of helping "construct a social system that produces mentally healthy individuals." By the 1970s, NIMH-funded Community Mental Health Centers (CMHCs) were involved in many community projects. In Los Angeles, for example, a CMHC organized parents to get a traffic light installed near a school. In Philadelphia, a CMHC board included "resolv[ing] the underlying causes of mental health problems such as unequal distribution of opportunity, income, and benefits of technical progress" as part of its mission statement. And in Chicago, a CMHC board hired Saul Alinsky, a well-known social activist, to advise them on how to promote mental health.

These actions were applauded by NIMH as being part of its grand vision. Today schizophrenia, tomorrow the world! In retrospect the vision was more grandiose than grand and has continued to be so to the present. It is this grandiosity that explains why, even as the research world has moved to molecular neuroscience, NIMH continues to fund research projects such as "Sentence Processing in Japanese and English" ($68,208), "Peer Rejection of Girls" ($505,862), and "Adolescent Romantic Relationships and Their Development" ($200,693).

Out On The Streets

During the 1970s and 1980s, as CMHCs helped with city planning and traffic lights, the state psychiatric hospitals were being emptied in an attempt to deinstitutionalize, or move the mentally ill into less restrictive settings in the community.

In 1955, there were over 559,000 severely mentally ill individuals in these hospitals; today there are less than 60,000. Based on the nation's population increase between 1955 and 2000, if there were the same number of patients per capita in those hospitals today as there was in 1955, there would be over 946,000 patients. That there are fewer than 60,000 means that almost 900,000 individuals are living in the community today who would have been hospitalized a half-century ago.

Where are these people? Half of them are living with their families or on their own and doing reasonably well. The other half, however, are not. Approximately 150,000 of them are living on the streets or in shelters, where they make up one-third of the homeless population. More than 200,000 of them are in jails or prisons, according to Department of Justice studies, often incarcerated for crimes committed because of their severe psychiatric illnesses. Another group died prematurely because of illness-related accidents or suicides. Still others have been moved to nursing homes.

Although NIMH vehemently denies it, there is a direct connection between its failure to focus resources on severe psychiatric disorders and the failure of deinstitutionalization. The sad fate of homeless mentally ill individuals, 28 percent of whom utilize garbage cans for some of their food supply, or of incarcerated mentally ill individuals, is inextricably bound to NIMH's failure to do research on the causes of, and to develop better treatments for, these diseases. The continuing failure of NIMH to do the job for which it was originally created is, in fact, one of the greatest, although least known, scandals in contemporary American society.

On economic grounds as well, the failure of NIMH to do research on severe psychiatric disorders is inexplicable. A 1997 survey reported that the federal government was spending $20.6 billion on federal Medicaid, Medicare, VA psychiatric services, and other federal service programs related to mental illnesses, not including substance abuse. In addition, in 1999, individuals with "mental disorders other than mental retardation" accounted for 31.4 percent of the federal Supplemental

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Security Income (SSI) payments and 26.6 percent of Social Security Disability Income (SSDI) payments, the largest disease category for both types of payments. In 1999, these payments totaled $19.6 billion. Therefore, the total amount of federal funds spent upon individuals with severe psychiatric disorders is over $40 billion per year. This is three times the annual cost of the nation's space program, four times the cost of all our foreign aid programs, and more than 10 times the cost of the federal prison service. And this, of course, does not include state, county, or city expenditures for these individuals.

What can be said about a government agency that is mandated to deal with a problem that costs the federal government over $40 billion per year and yet is spending minimal amounts to correct it? Even a modest improvement in treatment would produce potential savings of billions of dollars. One might say that the government agency exhibits the kind of illogical thinking seen in individuals with severe psychiatric disorders.

One might say that NIMH exhibits the kind of illogical thinking seen in individuals with severe psychiatric disorders

The contrast between what NIMH is funding and what it should be funding is startling. On February 18, 2001, *The Washington Post* "Style" section carried a feature article about a University of Virginia psychologist who is studying student's feelings as they break up in romantic relationships. "A Date with Heartbreak: U-Va Researcher Studies Dumpers and Dumpees for Science's Sake," it was headlined. And yes, the research was being carried out on a three-year research award from NIMH. Other NIH institutes aspire to get the results of their research published in *Science* or the *New England Journal of Medicine*; NIMH settles for the "Style" section of *The Washington Post.*

Because research budgets are finite, allocating funds to study romantic relationships means that other research proposals do not get funded. Among research applications rejected for funding by NIMH in recent years were proposals to study serotonin receptor genes in schizophrenia, a new drug to treat schizophrenia, the state of dysphoric mania in bipolar disorder, and the cost-effectiveness of second-generation antipsychotic drugs compared to first-generation antipsychotics. None of these proposals were apparently considered to be as valuable as the proposal to study romantic relationships.

The current director of NIMH is Dr. Steven E. Hyman, a respected and well-meaning neuroscientist. In response to increasing criticism of the institute's research portfolio, Hyman has publicly acknowledged that there are research projects he is "not pleased to be funding." Hyman has implemented contracts totaling $20 million per year for drug trials for the treatment of schizophrenia, bipolar disorder, and depression; and he has proudly pointed to these as evidence that NIMH is correcting its past problems. These contracts are certainly a small step in the right direction, but they account for less than 2 percent of NIMH's billion-dollar budget. Hyman has performed a face lift when what is needed is a heart transplant. (Hyman was out of the country and unavailable for comment.)

NIMH also defends itself by citing the possible knowledge of basic brain functions to be gained from research on pigeons and songbirds. Such research is, of course, not without potential benefits. One of the songbird projects, for example, reported interesting findings regarding the regeneration of neurons. This may or may not have any relevance for any psychiatric disorder, but such basic, open-ended research should logically be funded by the National Science Foundation, and not by an institute whose focus is supposed to be on brain diseases. Defenders of pigeon research also sound at times like those who argue that if you put enough monkeys in front of enough typewriters, one of them will eventually compose a Shakespearean sonnet.

NIMH's final defense of its research portfolio is the ultimate fallback for all Washington agencies: Congress ordered us to do it. In fact, as everyone who has lived in Washington for more than two hours is aware, congressional mandates are almost invariably the product of behind-the-scenes negotiations between the agency and congressional staffers. In this case, Dr. Patrick H. DeLeon has played a major role in orchestrating the congressional mandates. DeLeon, a psychologist, is both the immediate past president of the American Psychological Association and a key staffer for Sen. Daniel Inouye (D-Hawaii), who sits on the Senate Committee on Appropriations, which oversees NIMH's budget.

Correcting the problems of NIMH and getting it back to its original mission of researching serious psychiatric disorders will be a formidable task. The combination of inertia and vested interests impedes change in

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all government agencies. The grandiosity of NIMH is deeply embedded in its culture, and career employees know that they can outlast Dr. Hyman or any other director who takes control for a few years.

Furthermore, NIMH is viewed by research psychologists as an employment program. The more pigeon research grants are made available, the easier it becomes to climb the psychology academic ladder to tenure. The Washington lobbying group for the research psychologists is the American Psychological Society. Its executive director is Dr. Alan Kraut, one of Dr. Hyman's strongest defenders. Coincidentally, Dr. Kraut's wife, Jane Steinberg, works directly under Dr. Hyman as NIMH's acting Associate Director for Special Projects.

The key to bringing about real change at NIMH is implementation of the 1998 recommendations of the Institute of Medicine's Committee on the NIH Research Priority-Setting Process. That committee recommended that "in setting priorities, NIH should strengthen its analysis and use of health data, such as burdens and costs of diseases, and of data on the impact of research on the health of the public." If the "burden and costs of disease" were truly considered, the $40 billion per year in federal costs for severe psychiatric disorders would demand much greater consideration than studies of pigeon thought processes or romantic relationships between college students.

But don't look for such changes any time soon. NIMH is likely to continue along its present oscine course, as it has for the past four decades. Individuals with severe mental illnesses will continue to be the losers. And NIMH's $1 billion dollar budget will continue to buy a lot of birdseed.

The Washington Monthly Journalism Award

MARCH 2001

DUFF WILSON AND DAVID HEATH

"Uninformed Consent"

The Seattle Times, March 2001

In a five-part series, Wilson and Heath expose questionable research methods and practices at the Fred Hutchinson Cancer Research Center in Seattle, one of Seattle's foremost institutions. Without giving complete information on the risks, doctors at "The Hutch" recommended that leukemia patients participate in new, cutting-edge experiments. Unbeknownst to the patients, the doctors involved had a financial stake in any drugs which might have been generated from the experiments. Critics claim that the experiments continued well beyond reason, as patient after patient lost his life prematurely.

STEVE BLACKLEDGE AND SUZANNE HOHOLIK

"A Whole New Game"

The Columbus Dispatch, March 22-25, 2001

A five-month investigation by the Dispatch *reveals how the corrupting influence of big money on athletic competition is filtering down to the high-school level in Ohio. Blackledge and Hoholik expose the anti-academic agenda of the Ohio High School Athletic Association (OHSAA). Among the private, nonprofit organization's alleged offenses: its regulation of illegal player recruitment, its successful fight against higher GPA standards for athletes, and the possibly unethical, even illegal, spending practices of its own employees. Bolstered by lucrative deals with equipment companies and shielded from public oversight, OHSAA's $5 million fund balance makes it the richest state association of its kind and it sends more delegates to national conferences than any other state. Yet it claims to lack the necessary funds to investigate widespread complaints about illegal player recruitment.*

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, DC 20009. Or e-mail us at **editors@washingtonmonthly.com**. Nominations for stories run in April are due May 1, 2001.

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Weapons of Mass Confusion

How pork trumps preparedness in the fight against terrorism

BY JOSHUA GREEN

IF THE UNITED STATES SHOULD FALL VICTIM to a chemical or biological terrorist attack like the one that killed a dozen people and injured 5,000 in Tokyo's subway six years ago, the nation would turn to men like Lt. Col. Xavier Stewart of the Army National Guard. Stewart commands an elite mobile anti-terrorism squad that specializes in unconventional weapons. He has military training in chemical, biological, and nuclear weaponry. His team is among the Guard's proudest assets, a product of the federal government's aggressive five-year effort to prepare for an unconventional terrorist attack. Which is too bad, because Stewart and his team could do little good if actually faced with such an attack. They have been mired in safety and equipment problems, plagued by defections, and hamstrung by critical design flaws—the results of a concept that looks better on paper than in practice.

Though Stewart is one of the best-trained soldiers in the U.S. military, the unit he commands—the National Guard's 3rd Weapons of Mass Destruction Civil Support Team—has not yet been certified by the Defense Department as ready for duty. Neither have any of the other 26 teams strategically stationed across the country, ostensibly ready to deploy anywhere within four hours of an attack. What's more, if the Guard's civil support teams were activated before an attack, there's a very good chance that no one would call them. Arriving as they would hours after an attack, the team's jaw-dropping skills would do little good to local emergency officials who would be on the scene in minutes. In practical terms, after three years and $143 million, the National Guard's civil support teams are a solution in search of a problem. They're also symptomatic of a broader issue: The billions of dollars spent to prepare for an attack has only created an expensive and uncoordinated mess.

JOSHUA GREEN *is a staff writer for* THE AMERICAN PROSPECT.

Not If, But When

The Tokyo sarin gas attack launched by a Japanese cult on March 20, 1995, shook military and emergency management officials. Though chemical and biological weapons have existed for decades, the Tokyo attack was the first time terrorists used them so successfully. Such attacks usually failed in the past because dispersing a chemical agent quickly and thoroughly enough to harm large numbers of people is difficult. Members of Japan's Aum Shinrikyo cult recognized this and placed open bags of the lethal nerve agent in the subway, where rush-hour trains quickly pushed the deadly air through miles of tunnels. But what really worried foreign governments was the cult's scientific expertise. Aum Shinrikyo had a $30 million chemical and biological weapons program that included multiple weapons plants and more than 100 scientists, researchers, and technicians working to develop chemical and biological toxins. The cult also had plans to unleash the chemicals on Washington,

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D.C. and New York City. U.S. officials were appropriately alarmed. Sen. Sam Nunn (D-Ga.) cautioned after the Aum Shinrikyo attack, "It's just a question of time before someone attempts that sort of thing [here]."

The Tokyo attack jumpstarted a determined effort by the federal government to prepare for a similar attack on U.S. soil. The main vehicle in Congress was the Defense Against Weapons of Mass Destruction Act of 1996, better known as the Nunn-Lugar-Domenici Act. It established the framework for a domestic terrorism defense against "weapons of mass destruction"—nuclear, chemical, and biological. The law was intended to shore up the nation's vulnerability by rapidly preparing a frontline of local emergency workers who would be the first to encounter an attack. The law also established a domestic preparedness program, run by the Pentagon, to teach local officials in 120 cities how to respond to an "unconventional" attack. It created specialized military response teams to identify the agent and medical response teams to vaccinate and decontaminate victims. And it proposed annual training exercises to teach local, state, and national responders to work together.

The slogan "Not if, but when" became a government mantra. Just weeks after the Tokyo attack, President Bill Clinton issued Presidential Decision Directive 39, aimed at improving national response capability and strengthening the government's ability to manage the consequences of an unconventional attack. Congress held hearings in which lawmakers debated what could be done. Government agencies took turns explaining what they'd need to address deficiencies. (Insiders speculate they were aided by Clinton's fondness for terrorism novels, including Richard Preston's *The Cobra Event* about a biological attack on New York.) Afterwards, Clinton and Congress demonstrated their commitment in the best way politicians know—by throwing money at the problem.

The government's sudden emphasis on terrorism, with new funding to back it up, created an environment ripe for pork. A bidding war in Congress quickly ensued. "There was a rush on Capitol Hill," says a senior researcher at a nonpartisan national security think tank. "There were literally dozens of agencies whispering in lawmakers' ears that their organizations could do the job and, in turn, make that congressman look good for choosing them." The National Guard's civil support teams sprang from these sessions. But they were hardly alone. Other agencies that won funding included the Marine Corps, Coast Guard, Army, Air Force, Federal Emergency Management Agency, Justice Department, Energy Department, Agriculture Department, and the Department of Health and Human Services. Even the National Park Service managed to exploit the terrorism threat by commissioning a $400,000 study that revealed "the vulnerability of the national monuments." In the end, more than 40 agencies, overseen by a dozen congressional committees, received a role in the nation's terrorism defense plan. The waste was enormous. The Nunn-Lugar-Domenici Act spawned 90 different programs for the single purpose of training local officials. Today they compete just to find clients. "The money went everywhere," says one former defense contractor, who requested anonymity. "But the Guard [teams] were the worst of the bad ideas."

User-Friendly Commandos

Ft. Indiantown Gap National Guard Base is carved out of the mountains in the dreary, wet climate of Southeastern Pennsylvania near the Appalachian Trail. Though the base is centered around a sprawling helicopter field, the newest asset in the fight against terrorism is housed a short drive away in a nondescript warehouse that is home to Lt. Col. Stewart's Weapons of Mass Destruction Civil Support Team.

Civil support teams embody George W. Bush's frequent pledge to modernize the armed forces to face 21st century problems. Originally, they were called RAID teams, for Rapid Assessment and Initial Detection, which is a pretty good description of what they're intended to do. In the event of a chemical or biological attack, local officials would call in the nearest RAID team, whose members would don Level-A hazardous materials (HAZMAT) suits, grab a sample of the deadly agent, identify it in their $500,000 mobile laboratory van, and broadcast their findings to federal officials and scientists through a $1.3 million mobile unified command suite. Once they'd done this, they'd pack up and go home; responsibility for rescue and medical care lies elsewhere.

Stewart's team covers Pennsylvania, Delaware, Virginia, West Virginia, Maryland, and Washington, D.C. To perform their mission, his soldiers need a staggering level of expertise. While most hazardous materials teams require 40 hours of training for certification, civil support teams mandate 1,200 hours. Most team members bring specialized skills from

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prior military service or the private sector. (Stewart was a college professor.) Many hold advanced degrees and are working toward additional ones. Even the team's physician's assistant is a Ph.D. What team members lack is an opportunity to put these skills to use. Although the 27 civil support teams commissioned by Congress were supposed to be active by this spring, they have been plagued by a series of government reports criticizing their preparedness and management, and bluntly questioning their existence. The problem with civil support teams is that they suffer from a crippling design flaw: They probably couldn't arrive at an attack scene in time to do much good.

An October report concluded that the civil-support teams were "bulldozing amateurs prone to embarrassing technical gaffes," and recommended they be disbanded immediately. Instead, Congress authorized five new teams.

Although the Guard claims it can deploy a team anywhere in the country within four hours of an attack, local emergency officials, and even some Guardsmen, suggest that six to 24 hours is a more realistic estimate. In the aftermath of the Oklahoma City bombing, for example, the first wave of federal assistance didn't arrive for 10 hours. By contrast, local fire and police teams arrive in minutes and begin rescue operations. To fulfill their designated function, the Guard seems to assume that local responders will wait for their arrival before attempting a rescue, a prospect one fire chief calls "utter nonsense."

There are also questions about why the teams are designed to detect biological agents. Unlike a chemical attack, a biological attack probably wouldn't manifest itself for days. When it did, chances are the local medical community—not the military—would detect it when victims began to seek treatment for symptoms. (New York City, which has a response plan that is the envy of the country, scrupulously monitors sales of diarrhea medication as an indicator that a biological attack may have occurred.) Of course, once doctors knew what they were dealing with, they wouldn't need the National Guard to swoop in and tell them. So it's hard to envision a scenario in which civil support teams could help. As the General Accounting Office noted in a report highly critical of the Guard, "The plan was developed without the benefit of an analytically sound threat and risk assessment."

If a Guard team did arrive in time to help, it's not clear that they'd be able to. The teams boast state-of-the-art equipment but no guarantee it will work. An Inspector General's report released in January criticized free-spending Guard officials who ignored Pentagon procedure even though they lacked the qualifications to buy the highly specialized equipment. As a result, the Guard mistakenly purchased incompatible equipment. In the case of an air-purifying respirator, for example, investigators discovered that the mask didn't match up with the blower. "It probably would work," one team commander speculated, "I'm just not willing to bet my life on it." Breathing would have been equally treacherous inside the mobile laboratory vans. Inspectors discovered that the air filters were installed backward. The Guard teams were so flush with funding, in fact, that their orgy of acquisitions netted too much equipment to fit into their vans. One team alleviated this problem—sort of—by pitching a tent next to the van and running an extension cord to power the lab's microscope.

Maj. Gen. Thomas Lynch, who runs Ft. Indiantown Gap, has no qualms about discussing these shortcomings. "No one here disagrees with the problems the Inspector General's report described," he declares flatly. Sitting in his office framed by the imposing landscape, Lynch is a figure straight out of central casting. He has a booming voice and a commanding presence, and he speaks in the straightforward manner of one accustomed to being in charge. Yet he bristles at the question of who is responsible for the problems. Lynch points out that his team

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was still in the training process when Army inspectors made their visit. He said the team addressed the problems before applying for certification last October. That was nearly seven months ago. And since then? "We've heard nothing," he replies. Lynch plainly believes that most of the problems are a result of poor conceptualization, the responsibility for which lies in Washington. He has a good point. Five years after the Nunn-Lugar-Domenici Act set things in motion, the preparedness problem has come full circle. Congress still funds anything involving terrorism defense, but the Pentagon hasn't explained how it plans to marshal the nation's forces to respond to an attack.

Pork v. Preparedness

The Nunn-Lugar-Domenici Act was the catalyst in the war against chemical and biological terrorism. But the funding process it set in motion demonstrates how quickly good plans can go awry without sufficient fiscal oversight. Counterterrorism, for which no budget figures are available prior to 1995, suddenly had $6.7 billion allotted to it in 1996. Agencies lined up to compete for coveted missions and funding. How the National Guard convinced Congress to fund civil support teams is a classic example of how Washington really works.

The National Guard's mission had been shrinking for years because of post-Cold War cuts in the military. In Washington, an agency's strength is measured by its level of funding. The Guard's was diminishing. Guard officials recognized terrorism response as an opportunity to fight back. "National Guard headquarters went after this mission with a vengeance, but they got the RAID teams in over their heads," says Dr. Amy Smithson, a senior associate specializing in chemical and biological nonproliferation issues for the nonpartisan Henry L. Stimson Center. "The defense contractors basically helped Guard officials cook up a concept that was doomed to fail." The civil support teams require full-time, highly specialized soldiers—not a strength of the National Guard, which draws mainly on part-timers. "The Guard is comprised mostly of weekend warriors," Smithson explains. "For them to have a high-profile mission that requires full-time personnel increases their stature."

Guard officials had help from powerful advocates: defense contractors and members of Congress happy to let a bad idea go forward in exchange for their own slice of the funding pie. The National Guard commissioned a $10-million study from defense contractor Science Applications International Corporation to explore the Guard's role in the counterterrorism effort. As a defense contractor, SAIC had plenty to gain from a military buildup and surprised no one by determining that the Guard was integral to the nation's preparedness.

But the report failed to consider existing federal and local programs that could have formed the backbone of the nation's response capability. The Marines and the FBI, for example, each have special units to respond to nuclear, biological, and chemical attacks. Other agencies that have experience in this area include the Coast Guard National Strike Force, the Environmental Protection Agency's Environmental Response Team, the Air Force Prime Base Engineering Emergency Force (acronym: Prime BEEF), and the Army's original Technical Escort Unit—a team of "chemical cowboys" formed in 1943 to escort chemical weapons transports. Each of these is part of an infrastructure for disaster relief that was in place long before unconventional terrorism became a national focus. If Congress had cared to look, it would have discovered that existing assets were surprisingly well suited to respond to a chemical or biological situation.

Instead, Congress eagerly approved dozens of expensive new programs. Not surprisingly, the General Accounting Office recently found that numerous federal programs essentially do the same thing. Despite the fact that Ft. McClellan in Alabama could easily train the nation's bomb technicians, for instance, the National Guard is building its own $60 million training facility at Camp Dawson, West Virginia. Rather than question the need for a new facility, West Virginia senator, Robert Byrd, who is famous for bringing home the federal bacon, added $5 million to the program. "When you get right down to it," says a Republican legislative aide who specializes in counterterrorism, "if the Justice and Defense departments are spending money on the same technology, one can't just tell the other to stop, because then you wind up in a cat fight." Not surprisingly, the GAO discovered that interservice rivalry led to poor communication between agencies that were more interested in competing for missions and resources than preparing a coherent counterterrorism plan.

To the Guard, this has often meant going to ridiculous lengths to hide shortcomings and inexperience. For major training exercises in Denver, Colo. and Portsmouth, N.H., for instance, civil support teams were flown in a day ahead of time, even though

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Illustration by Christina Larson

the drills were meant to simulate a surprise attack. In another case, Guard teams arrived at a training drill with price tags still affixed to their equipment. The teams' constantly shifting guidelines cast further doubt on their effectiveness. Civil support teams were originally supposed to be stationed near Air National Guard bases so they could fly to attack sites in minutes. But a later draft of those plans required team members to drive their own cars. After studying civil support teams for nearly two years and interviewing hundreds of federal, state, and local officials, Dr. Smithson published a report in October that concluded the teams were "bulldozing amateurs prone to embarrassing technical gaffes," and recommended they be disbanded immediately. Instead, Congress authorized five new teams.

Critical reports have gradually seeped through the walls of the Pentagon. But rather than take stock of the civil support teams, officials simply updated the sales pitch. The Pentagon is still pushing the Guard teams, only now it emphasizes their user-friendly "support" role. To distance itself from the original concept of chemical-sniffing commandos, the Guard changed the name "RAID teams" to the less-ominous sounding "Weapons of Mass Destruction Civil Support Teams." That's not all. "We've painted our trucks navy blue rather than camouflage or black in order not to alarm citizens," said Col. Timothy Bartholomew, the team's liaison to emergency officials, motioning toward a row of sleek, new Chevy Suburban trucks outside the team's headquarters. "We're here to help."

RAID's Revolving Door

Lt. Col. Stewart is a determined soldier. In his company, you get the sense he could single-handedly drive his team to any realistic measure of certification. But Stewart has a hard time containing his frustration when quizzed about the team's problems. His exasperation is easy to understand. Many of the difficulties stem from the compressed timeline in which the civil support teams were formed. Because of the government's premium on improving homeland defense, a process that might have taken four

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years was attempted in two.

The Guard says that most of the equipment problems cited in government reports have been addressed. But Stewart and his supervisors must be equally frustrated with the problems they can't fix. For one thing, the Guard is uniquely unsuited to run such teams. The Guard traditionally draws on a host of easily replaced and interchangeable part-timers, but civil support teams depend on highly trained and expensive full-timers. The Inspector General's report noted that, because most enlisted men serve three-year cycles, the members of the 10 original civil support teams will soon rotate to other assignments without ever having been certified. The level of expertise that Guard teams require also makes it difficult to keep them fully staffed. Team members are so well-trained that if they don't leave out of frustration, they often leave for better jobs. "They've got skills that every emergency manager in the country wants to have and they're not using them," said Edward Plaugher, fire chief of Arlington, Va. "Why stay in the Guard for $30,000 a year when you can work on a local HAZMAT team for $80,000 and use your skills on a daily basis?" Consequently, civil support teams have whopping attrition rates. Stewart's team has already lost more than 30 percent of its original members, a figure that is actually low compared with other teams. The Guard couldn't provide total attrition rates, but emergency officials report hearing rates twice that high. On Stewart's team, only 18 of the 22 positions are currently filled—"bare minimum operating capacity," admits Maj. Gen. Lynch. In effect, the National Guard is training its civil support teams right out the door.

Terrorism's Powerless Czar

Congress has all but ignored the overwhelming shortcomings in the nation's readiness plan. Redundant programs are regularly funded by lawmakers who are either unaware of or unwilling to address the problems. And the White House can't do much under current circumstances. The GAO has recommended that the person who oversees the nation's preparedness effort, the "terrorism czar," take a look at whether the teams are needed. That person is Richard Clarke, officially the National Coordinator for Security, Infrastructure Protection, and Counter-Terrorism. "The problem is that Richard Clarke has got a lofty title without fiscal authority," said one former defense contractor, who still works in the field and requested anonymity. Because Clarke doesn't have any influence over the agencies that can request funds, he has little power over Congress. Instead, numerous committees hear from dozens of agencies and regularly approve unnecessary programs because they simply have no one to stop them. "The drug czar can bring federal agencies to heel," said a legislative aide who specializes in national security. "He has the power to say 'no.' Clarke doesn't have that power."

The nation's readiness also suffers because Clarke lacks the ability to create necessary programs. Local officials have been begging the federal government to help with the medical fallout that will inevitably follow an unconventional attack. At a time when flu season leaves hospitals overwhelmed, the prospect of what would happen after a chemical attack is frightening. Dr. Smithson discovered that most hospitals lack the resources to decontaminate more than a handful of victims and would actually lock their doors in the event of a chemical attack rather than risk infecting patients. Yet discussion of preparedness typically ignores the medical response problem.

Leaving it to the private sector means accepting the status quo. In an era of privatized health care, getting hospitals to spend money on an event they view as unlikely simply isn't feasible. As one emergency manager noted, most local health-care officials consider the chance of an unconventional terrorist attack to be "a step above an alien invasion." In the unlikely event that hospital administrators actually run emergency drills, they're usually forced to use "foamies"—foam cutouts of people, rather than live subjects.

Reassigning the Reserves

When Congress first addressed the nation's vulnerability, the focus was at the local level. They'd be wise to return it there. Of the $8.4 billion spent on terrorism defense last year, only $315 million went to train and equip frontline responders. "I've got a whole fire department fully equipped and fully prepared to do what the Guard is spending hundreds of millions of dollars to do. When I look at the teams and see what they're bringing me, I already have those needs filled," says Plaugher of his Arlington fire department. "I can't think of any reason why I would ever call them."

Returning resources to local responders makes sense for a lot of reasons. Local HAZMAT teams deal with accidents on a regular basis. They'll be first on the scene of an attack, and could make better use of the civil support teams' detection and assessment capabilities. This would benefit communities by improving the response to all HAZMAT

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emergencies, not just terrorist attacks. Local officials are also increasingly attuned to the problem. The number of weapons of mass destruction threats called in to firefighters, police, and the FBI has risen fivefold since 1996. Local officials are also better situated to handle the most likely type of terrorist attack, which is different from the one in Tokyo and more likely to cause serious harm. Rather than try to create and deploy weaponized chemicals, experts believe terrorists will try to sabotage one of the 850,000 facilities in the United States that work with hazardous substances. This would preclude the need for the resources Aum Shinrikyo possessed and could easily be more deadly. (The 1984 Union Carbide chemical leak in Bhopal, India, that killed 3,800 people was likely the result of sabotage by a disgruntled worker.) Furthermore, a compromise reached last August between watchdog groups and chemical companies let the EPA post highly sensitive hazardous-materials data on the Internet, in what seemed like a victory for the good guys because it would let communities know about local health risks. But now that the EPA can list the location of hazardous materials facilities, along with data on worst-case accident scenarios, they have practically created a blueprint for such an attack. As part of the same settlement, state and local commissions will be required to create 50 nationwide reading rooms for exactly this purpose, accessible to terrorists and environmentalists alike.

The other key to preparedness is reassigning the National Guard to fill a crucial need: medical readiness. The Guard traditionally operates in a role of support, and although it isn't a military operation, as Guard leaders might prefer, it is a mission for which they're uniquely qualified. According to the Army's Surgeon General, 70 percent of the Army's medical forces are in the Guard or the Reserves. Assigning the Guard to medical response would take some of the pressure off hospitals and have broad benefits beyond terrorism. A crack Guard team that can convert an armory into a 1,000-bed hospital in the wake of a terrorist attack can do the same thing for an earthquake, flood, or accident that demands a similar level of emergency care. "They have every capability," says Plaugher, "highly trainable people, equipment, resources, Guard centers, armories. They could do a remarkable job filling some of our greatest needs."

Guard teams were so flush with funding that they netted too much equipment to fit into their mobile lab vans. One team alleviated the problem by pitching a tent next to the van and running an extension cord to power the lab's microscope.

The good news is that President George W. Bush may be better equipped to implement these changes than his predecessor. He could start with a favorite issue: accountability. Giving the terrorism czar fiscal authority would make him accountable, while allowing him to eliminate costly and redundant programs. Taking a hard look at civil support teams also fits with Bush's ongoing review of the military. Bush, who is eager to channel education funding directly to local schools, should propose a similar plan for terrorism defense in order to shift resources to frontline responders. Improving local response capabilities meshes with Bush's desire to refocus the military toward 21st-century problems; eliminating wasteful federal programs could free up the money to pay for it.

The president has shown himself adept at talking up issues close to his heart. He could sell terrorism defense the same way he's selling his tax cut—by talking up the disintegration of the Middle East peace process, the growing menace of Osama bin Laden, and the aggressive stance his own administration is expected to take toward Iraq. After all, Bush has justified spending trillions of dollars on an unproven missile defense system, which he said is needed to protect against the risk of a nuclear attack. Surely he can spare a few hundred million for the far more likely possibility of a biological or chemical terrorist attack.

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Memo of the Month

MEMORANDUM

Privileged and Confidential Not to Be Distributed Outside of Task Force
To: Remote Staff Task Force
From: John D. Gardiner Date: September 11, 1995
Subject: Summary of Legal Issues and Options Related to Remote Staff

1. Introduction

The key legal issue America Online, Inc. ("AOL") is confronted with in connection with the so-called "remote staff" is whether the remote staff are independent contractors or employees. AOL has classified and attempted to structure the remote staff as independent contractors as have other major online network service companies. An independent contractor relationship precludes the application of IRS regulations and federal and state laws relevant to employers, such as minimum wage and overtime requirements and tax withholding and filings. Notwithstanding AOL's classification and structure, there are elements of an employer/employee relationship between AOL and the remote staff to warrant internal review of the relationship and appropriate action by AOL based on the conclusions of such review.

2. Legal Determination of Status

There is no single legal rule or test for determining whether an individual is an independent contractor or employee. Generally, courts and the IRS have applied the common law "right to control" test to determine whether an employer/employee relationship exists and the "economic realities" standard to determine if a worker is covered by the various federal employment laws.

The "right to control" test focuses on a factual determination of whether the employer controls the principal aspects of the individual's work efforts. Such determination is difficult, but the IRS has identified twenty factors which are indicative of the presence of sufficient control to establish an employer/employee relationship. The factors include:

1) Amount of Instruction/Direction
2) Amount of Training
3) Amount of Integration/Impact of Services
4) Requirement of Personal Service
5) Ability to Hire Assistants
6) Existence of Continuing Relationship
7) Set Hours of Work
8) Full Time Requirement
9) Work Performed on Premises
10) Order of Work Set Potential
11) Oral or Written Reports Required
12) Paid by Hour, Week or Month
13) Paid Travel/Business Expense
14) Furnish Equipment
15) Significant Investment by Worker
16) Worker Profit/Loss
17) Sole Client
18) Services Available to Public
19) Right to Discharge
20) Worker Right to Terminate

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The "economic realities" standard focuses primarily on the degree to which the individual is economically dependent on a company, involving a balancing of factors related to each situation in determining the status of a particular relationship. Under this analysis, some courts have focused on the degree of economic dependence of the individual to the company. However, most of the federal courts use a hybrid of the "economic realities" standard that incorporates many of the aspects of the "right of control" test discussed above. For certain federal laws, courts generally have applied the following five-factor test: (1) the degree of control by employer; (2) the extent of relative investment by worker and employer; (3) the degree to which workers opportunity for profit or loss is determined by employer; (4) the skill and initiative in performing job; and (5) the permanency of the relationship.

3. AOL Options

Although AOL has classified and attempted to structure its relationship with remote staff to treat remote staff as independent contractors, in light of the foregoing, the existing structure contains elements an employer/employee relationship, primarily in the area of AOL's role in the control of the remote staff "program". This is not a conclusion that an employer/employee relationship exists. AOL can make a reasonable argument that the remote staff are independent contractors. Nevertheless, it is unclear what a court might conclude and this is not an issue that AOL should let a court determine. In order to control the outcome of the issue and avert potential liability, AOL has three options to choose from:

(1) Restructure its relationship with the remote staff, using the above test elements for guidance, to create a structure more consistent with that of an independent contractor relationship. AOL actually has been heading in this direction in recent years, but the control elements may still persist. The restructuring would cause AOL to lose elements of control that may be necessary to coordinate monitoring of the AOL service.

(2) Outsource the remote staff services to a third party that would either "hire" the remote staff of use its own staff. In this case, AOL could require services and service levels from the third party and control the services accordingly. The third party would have to deal with hiring, managing and operating its business and its employees. The outsourcing must be to a third party because outsourcing it to a "shell" subsidiary would probably not change AOL's potential liability. AOL could consider joining other online network service companies to establish a joint venture that would service the most if not the entire industry.

(3) Hire the remote staff as part-time employees and design a compensation arrangement with an hourly rate or corresponding time credit that adheres to applicable laws.
The prime objective of our task force will be to analyze the above options and determine which course of action is most appropriate and effective (from both a service and, of course, a cost standpoint).

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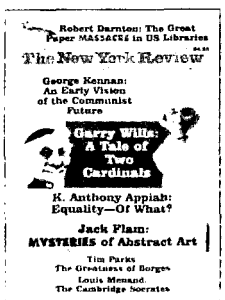

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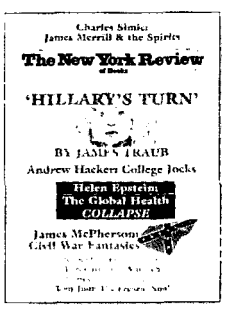

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Extremism in Defense of Moderation is No Vice

The moderate Republicans are likable and often right. Why aren't they more influential?

BY NICHOLAS THOMPSON

A MODERATE REPUBLICAN CHAMPIONING early childcare can feel a little lonely sometimes. In late March, Vermont's Republican senator, James Jeffords, passionately addressed the Senate committee on Health, Education, Welfare, and Pensions which, as chairman, he had convened to discuss the state of childcare in the United States: "There is no question that America lags far behind all other industrialized nations in the treatment and provision of early education and childcare for preschool-aged children." His Democratic colleagues responded in kind. Liberal senator Paul Wellstone described the lack of childcare as "the one really huge indictment I can make of politics in America today."

Sen. Jeffords listened carefully to the expert testimony, occasionally nodding slowly and leaning to his left to whisper to Ted Kennedy, the committee's ranking Democrat. Jeffords couldn't have leaned to his right because the ranking Republican member, New Hampshire's Judd Gregg, was AWOL. According to a member of his staff, the Granite-State Senator "had office meetings with people from the University of New Hampshire." The next most senior Republican, Tennessean Bill Frist, wasn't there either. Neither was Tim Hutchinson, the Arkansas senator and Bob Jones University graduate who earned a 100 percent conservative voting record last year from *The National Journal*. In fact, the entire GOP side of the table was empty.

But Jeffords is used to being alone. He has broken with the Republican leadership repeatedly over his 25 years in office, from his solitary advocacy of Clinton's health-care proposal in 1993 to his early opposition to George W. Bush's $1.6 trillion tax cut. Representing a liberal state that sends a Socialist to Congress every two years, Jeffords often seems closer to Kennedy than to Hutchinson.

Although both chambers of Congress are closely divided, the Republican leadership in the House, led by Texan Tom DeLay, has proved amazingly adept at getting its ducks in line and moving conservative bills through with assembly-line efficiency. But the founding fathers designed the Senate as a place for debate, and even Trent Lott (R-Miss.), the hyper-efficient majority leader who often irons his shirts after his drycleaners return them, hasn't managed to completely overhaul it. In this environment, and with a 50-50 split, Jeffords could be a kingmaker, particularly teaming up with the three moderate New England GOP colleagues he eats lunch with every Wednesday—Lincoln Chafee of Rhode Island and Olympia Snowe and Susan Collins of Maine.

Fiscally conservative, socially tolerant, moderately internationalist, generally pro-environment, tough on crime, and hungry for good government, the Mod Squad, as they like to call themselves, has the power to reshape the agenda in Washington. Chafee and Jeffords showed great courage recently by braving Dick Cheney's blandishments, and tempering the president's gigantic tax cut, batting the $1.6 trillion price tag down to $1.2 trillion in the Senate's temporary budget outline. But history has given the moderates the opportunity to do even more. Working with Democrats and other Republican senators with centrist instincts, the four New England moderates could build potent legislation from the center out

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and overhaul our childcare policies and much more for the good of our country. The question is whether they'll rise to the challenge.

The Center Cannot Hold

Moderate Republicans have had an impressive pedigree, reaching back to the party's founding by anti-slavery activists in the 1850s. Teddy Roosevelt clashed so strongly with the Party's old guard that he split off and founded his own Bull Moose movement. Henry Cabot Lodge, paterfamilias of a great New England aristocratic dynasty, didn't slide along with party leadership in the 1920s when he saw the oil industry reaching its hands into the White House; he helped crack open the Teapot Dome scandal and nearly brought down his own party. Arthur Vandenberg broke with Republican isolationists, helping the United States engage internationally after World War II and pass the Marshall Plan. A whole team of Republican moderates helped push through the great civil-rights legislation of the 1960s and was indispensable in creating Medicare in 1965. In fact, on perhaps the three most critical American issues of the 20th century, conservative Republicans were dead wrong. They opposed the New Deal, preached isolation in World War II, and tried to block civil rights and racial integration. It took moderates to pull the party toward reason.

The moderates began to lose influence when Barry Goldwater trounced Nelson Rockefeller at the 1964 convention. Still, until Ronald Reagan's election in 1980, moderates often had their hands on the steering wheel. Through the 1960s, a group of moderate Republicans known as the Ripon Society served as the party's liberal conscience, pushing Keynesian economics and urging racial reconciliation. The group survives today, but only in tatters. While the Federalist Society chooses our judiciary, the Ripon Society hasn't updated its Web page in six months.

Back then, the moderates had influence. Even Richard Nixon, never one to call himself a middle-of-the-roader, hired Daniel Patrick Moynihan as his domestic policy adviser and governed mostly from the center—setting wage and price controls, and supporting the Equal Rights Amendment and the creation of the EPA. But with Reagan's election, the Republicans took a hard right. Moderates, who always have come mostly from the Northeast and Midwest, were put in the back seat—and sometimes the trunk. The shift has been compounded by the gradual movement of population and economic power toward the more conservative Sunbelt; the growing political influence of evangelical Christians, who are essentially absent in New England; and the increasing partisanship of Congress, which has isolated moderates on both sides of the aisle.

Politics In My Blue Blood

But moderation isn't dead, and the four New Englanders make up its core in the Republican Party. Chafee, Jeffords, Snowe, and Collins have the most liberal voting records of Republican senators and they come from states won last year by John McCain in the primaries and Al Gore during the general election. Sometimes referred to as RINOs (Republicans In Name Only) by surly comrades, the New Englanders take pride in their moderation: They campaign on it and their press offices boast of it. When *The Washington Monthly* contacted Jeffords' office, staffers immediately faxed over an article titled "Jeffords is Still Man in the Middle in Washington."

And there's truth to that. The son of a former Vermont chief justice, Jeffords was first elected to Congress in 1974. When the Reagan Revolution came he supported John Anderson and, although a delegate to the Republican convention, went fishing with his son for much of the proceedings before returning for the votes. But even that wasn't easy. According to one Vermont Republican who was there, "We almost had to literally beat him up to get him to finally vote for Reagan."

Jeffords was recently selected as the "least partisan" senator by the *Washingtonian*'s annual survey of Capitol Hill staffers and, although he has a list of impressive degrees from Ivy League colleges, he has a folksy style that plays well in Vermont. A soft-spoken man, he trips on words, and appears to have built up an incredibly short enemies list for someone in his position. In his last election, Human Rights Campaign, the largest gay-rights organization in the country, endorsed both Jeffords and his Democratic opponent, the first openly-gay Senate candidate in history.

Snowe and Collins also have New England politics in their blood. Snowe replaced her first husband in the Maine state legislature when he died in a car accident, and she steadily moved up the ladder. She served in the state legislature for four years. Elected to Congress, she then served 16 years before winning a U.S. Senate seat. She's so entwined with politics that, while in the House, she married Maine's governor.

Collins comes from a tiny northern town called Caribou, where her mother was mayor and her father a state supreme court justice. Never married, she is

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known for a tireless work ethic and for staying up late and actually reading through bills. In 1999, she found and expunged an anonymously inserted 17-word clause in the budget kicking back $46 billion to the tobacco industry.

The politics of the two women are eerily similar: They voted together on virtually every single issue last year, and both have approval ratings of about 70 percent in Maine. Both are slightly more conservative than Jeffords, opposing gun control and supporting a few quirky conservative causes like allowing motorcyclists to ride without helmets. The difference between the two may lie in personality. Collins seems drawn to the cameras and has found herself placed on high-profile committees, taking on the Clintons and mail fraud, and winning glowing profiles in Sunday magazines across the country. The GOP also plucked her to respond to Clinton's 2000 State of the Union. Snowe is known for her dry wit and working behind the scenes, gaining positions on both the powerful finance and budget committees. The two are also very close to the president and supported him early in the campaign. Bush has returned the favor by granting them nicknames: Susan Collins is "Sweet Suzy"; Olympia Snowe is "the big O."

Chafee's roots run even deeper through the region than those of his Mod-Squad colleagues. The son of a famously moderate United States senator, he comes from one of Rhode Island's powerful "five families" who are descended from the state's original settlers, and the parallels with President Bush are strong. A prodigal son with a respected father spends a lot of his youth wandering—Chafee went to a horseshoeing school in Montana and worked on racetracks around the country and Canada—before coming home to take a stab at the family business of politics. Bush became governor of Texas; Chafee became mayor of Warwick, Rhode Island. Each made a splash, in large part by charming everyone they met, and then moved up to his father's job. Chafee was appointed to his father's seat in the Senate when his father died in 1999.

Chafee, however, seems to believe in moderation much more deeply than Bush. His predecessor as mayor of Warwick, a Democrat, had privatized the city's garbage workers, but Chafee helped a government employees' union win back the contract. "We kept the cost down and we got more letters from people happy about the service .... It used to be you dump the trash and you throw the barrel. You move fast," Chafee says, waving his arms for emphasis. "Our guys set them right side up." The moral: Government can work. Bush hired the CEO of Haliburton as his top aide. Chafee hired Deb Brayton, formerly the executive director of Rhode Island's largest soup kitchen.

Four moderate senators ought to have as much influence on the party as Tom DeLay, one rabid Texas congressman—but they don't.

Chafee greets every staffer when he arrives each Monday. He walks and talks graciously and slowly with a constant smile. He says that his role models are former Senators Alan Simpson of Wyoming, a temperamentally moderate man if otherwise conservative, and centrist liberal Democrat, Bob Kerrey of Nebraska. Chafee's the son that any New England Republican mother could be proud of and a welcome addition to any Georgetown dinner party.

All Conviction

In fact, all the Republican moderates seem charming, and they have made a difference on a number of important issues. They recently derailed the administration's plans to open the Arctic National Wildlife Refuge for oil drilling. They helped sustain Clinton's veto of a partial birth abortion ban. They always seem to smooth the sharpest edges of Republican budgets, and they made Clinton's welfare bill palatable by cutting out the more radical provisions (slashing Medicaid, for example) pushed in by Republican holy-warriors.

But for every moderate vote, there's one where they seem to turn away from their centrist values. Despite their views on abortion, all four senators voted to confirm John Ashcroft. Chafee wasn't in the Senate before 2000, but Jeffords, Snowe, and Collins also opposed a patients' "Bill of Rights" that would cover everyone in the country. The vote of any one could

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have put it through the Senate. Despite strong rhetoric in favor of prescription drug coverage, Jeffords and the two Mainers opposed including prescription drug coverage under Medicare in 2000. The Maine senators also have supported the Republican party on international issues few Mainers were keyed in on, such as blocking the nuclear test ban treaty.

The Senate impeachment trial is another example of The Mod Squad's conflicted performance. To their credit, and to much acclaim, all the New Englanders voted to acquit Clinton on every charge. But that was after the issue became moot and 67 votes clearly weren't going to materialize. Earlier in the process, when the stakes were higher and the margin unsure, the moderates sided with their party leadership, refusing to dismiss the trial and insisting that witnesses be called even though their sworn testimony was already on record.

According to Tom Andrews, who served in the House with Snowe and then ran against her for the Senate, "The way a moderate works is you go to leadership and say, I have to vote my way on bill A, but you can count on me on L, M, N, O, and P—then when the klieg lights are on, you denounce A." Sen. Jay Rockefeller, a liberal Democrat from West Virginia, puts it a little more forgivingly: "You just can't go over all the time. You have to be tactical, strategic, and save it for the times you really care."

Passionate Intensity

Fair enough; they are Republicans and will of course often side with their party. But, more important, the moderates have almost no influence over the GOP's overall direction. A small group of senators can't have what they want all of the time; but four moderate senators ought to have as much influence on the Party as Tom DeLay, one rabid Texas congressman—but they don't.

As chair of the education committee, for example, Jeffords should be a force in the Republican caucus. But the Bush administration has started to use Judd Gregg as its prime channel on the major upcoming education bills, and Jeffords seems increasingly isolated from the committee. His call to fully fund the Individuals with Disabilities Education Act, for example, has not been answered by his party. The empty row of Republican chairs at Jeffords' childcare hearings is an indictment of the Republican Party; but it's partly an indictment of Jeffords too.

In fact, most legislation in Congress over the past six years has moved from the right inwards. Sharp-elbowed conservatives write it up, and then the moderates temper it a bit, restoring some money to the Earned Income Tax Credit or federal student loans for example. They take a little from the Democrats and a little bit from the Republicans, and they react. At best, as with Jeffords and Chafee's stand against Bush's tax cuts, they've served as adequate rear-guard protection.

But even on tax cuts, for example, the moderates could do much more. Olympia Snowe sits on the evenly divided finance and budget Committees and could move the party well away from a proposal she should know is fiscally irresponsible; but she has shown little inclination or ability to use her power. Collins and Snowe have merely proposed a "trigger" that would void tax cuts if the rosy projected surpluses don't materialize—a limp proposal given the ease with which Congress has circumvented such restrictions before. Besides Congress could also just cut taxes a bit now and then do it again if the projected surpluses do materialize. In any event, the trigger idea quickly ran out of gas.

To their immense credit, Chafee and Jeffords, along with Arlen Specter of Pennsylvania, did indeed sink the administration's early hopes of ramming the cuts through without negotiation by opposing a nonbinding budget outline. But Snowe and Collins voted against their fellow Mod Squaders, and Bush will still get between $1.2 trillion and $1.6 trillion when the final votes come late this summer. He also knows that, if precedent holds, he should be able to win the moderates' support. In 1999, Jeffords and the two Maine senators supported a moderate $500 million tax cut written by centrists and designed to smooth out some of the inequities in the hard-line Republicans' $792 million proposal. But when Trent Lott killed the moderate proposal, they all signed the big one. Mysteriously, subsidies to Vermont maple-sugar farmers and fishermen, an important Maine constituency, sneaked in at the last minute.

Things Fall Apart

Strong moderate leadership from the Senate is particularly important as the House has become more conservatively partisan. There, as veteran moderate Jim Leach of Iowa says, "The center has collapsed." GOP representatives such as Sherman Boehlert of New York, Michael Castle of Delaware, and Connie Morella of Maryland all frequently cross party lines, and Christopher Shays of Connecticut has stared down his leaders on campaign finance reform for years. But the House moderates have been sinking since Newt

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Gingrich rapped his gavel down for the first time six years ago and Tom DeLay became majority whip. As the saying goes, Democrats like to govern and Republicans like to win. And the conservative House Republican leaders have recently proved very good at winning. Much of the most important legislation of the past few years has been driven through on nearly straight party-line votes, from Clinton's impeachment to the Bush budget.

But the Senate has always been where the House's coffee cools. In the House, the majority party has almost complete control over what legislation is introduced and how it is debated. In the Senate, individual members are much more free to introduce amendments to bills and it takes 60 votes to break a filibuster. With this increased freedom, Republican moderates in the Senate make up a potential critical mass. Arlen Specter of Pennsylvania joined Chafee and Jeffords in voting against the gigantic tax cut, and two other Midwesterners, Peter Fitzgerald of Illinois and George Voinovich of Ohio, expressed at least some reservations. Mike DeWine, also of Ohio, has a reputation for coming up with original solutions on adoption and foster care issues. Ted Stevens of Alaska and Richard Lugar of Indiana have moderate streaks, supported campaign finance reform, and have decades-long histories of bipartisanship. Tennessean Fred Thompson joined them on campaign finance reform and has pushed creative and bipartisan solutions to solving our Social Security problems. John McCain, of course, commands his own constantly evolving army down whatever roads he pleases.

That's not enough senators to control the agenda. But the moderates have far more national appeal than the far right wing, and the president can't claim to have an overwhelming mandate that requires senatorial submission without having even won a plurality of the popular vote. But the Senate works with arm-twisting and deal-making in back corners and, to gain power, the moderates will have to prove first that they won't buckle, and second that they can build legislative coalitions outwards. As McCain has shown, one strong-willed senator can move mountains; but without that steel will, you can't really accomplish much—which is why it's not encouraging that, according to Chafee, the moderates don't exactly plan how to set the world on fire when they meet for lunch each Wednesday: "We don't do a whole lot of wonkish policy formulation. It's more keeping our friendships and we stay in touch as the issues move forward."

The core problem is that the moderate Republicans are either not strongly enough moderate, like McCain, or just not strong enough to change the party's agenda. Collins, because of her brashness, is often considered the most likely of them to catalyze a coalition with powerful centrist Democrats, and she is frequently compared to Margaret Chase Smith, another feisty women from Maine. But even Collins seems a little too entrenched in the party to organize a group backing up original ideas. Smith, after all, made her name as a first-term senator by becoming the first Republican to directly challenge Joe McCarthy in her famous "declaration of conscience." Collins made hers by rolling along with the leadership on its largely partisan, and ultimately muddled, attack on Clinton's fundraising.

Even without one strong leader, the Mod Squad still has the potential to dramatically change the party's direction. The best model perhaps is the Progressive-era Republicans in the first third of the century such as Bob LaFollette, George Norris, and Fiorello LaGuardia. They fought to create the income tax, regulate the railroads, and provide economic support for farmers. They were a small minority in the Republican Party, but they never stopped clamoring for change: constantly giving speeches, publishing their own newspapers, and throwing their monkey wrenches in the party's gear. They deserve credit for passing a fair amount of legislation and also for planting the flag on many other issues that came to fruition under FDR, including the creation of the Tennessee Valley Authority, which Norris had been advocating for more than a decade.

At its current rate, the Mod Squad seems unlikely to mimic the progressives. And that's too bad. Newt Gingrich, the heir to Goldwater and Reagan, was cast on the pyre by his party and by a public that gave him approval ratings in the single digits. The moderate George W. Bush who spoke of compassion and bipartisanship was elected president, not the jaggedly conservative BushCheney morph who now seems to be running the White House. A majority of Americans identify themselves as moderate and the average American agrees more with Jim Jeffords than with Judd Gregg, Tim Hutchinson, or the other Republicans who played hooky during childcare hearings.

In fact, in the 2000 elections, all the moderate Republicans won their seats by resounding margins while moderate Democrats defeated more conservative Republicans, from Spencer Abraham to John Ashcroft to Slade Gorton. But as the country waits, and the compassionate-conservative president drops the compassion, the best Republican moderates don't even seem to want to talk politics at lunch.

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Doc'd

Why a Ph.D. is a fast ticket to the unemployment line

BY PAUL DEMOULIN

EVER SINCE I CAN REMEMBER, I'VE BEEN interested in math and science. In my youth, my mother would wake me up to see astronomer Carl Sagan on "The Tonight Show." In high school, my favorite subjects were calculus, physics, and chemistry. I eventually earned a B.S. in physics and went on to get a doctorate in electrical engineering from Purdue University. I finished up my degree in 1988. Today, at age 41, I have not yet landed my first full-time job.

I know what you're thinking: I'm a big loser. How else could an American-trained scientist be so unemployable after a decade of continuous economic growth? The thing is, if I'm a loser, I've got a lot of company.

For years, we've been hearing dire reports in the media about how American universities aren't producing enough Ph.D.s in hard sciences and engineering—so few, in fact, that we've had to import them from abroad. But the truth is that universities, in their desire to exploit cheap labor (i.e., graduate students) have created a surplus of doctorates, particularly in my field of engineering, leaving anywhere from a quarter to half of all engineering doctorate recipients to follow a career path much like mine.

Bait And Hook

When I first considered working on a doctorate at Purdue University, I was hesitant. If I had taken a job in private industry, I would have earned a respectable salary; staying in school would make me a grad assistant, doing research at a wage of $550 per month. (Unlike scholarship athletes, most grad assistants must pay their own room and board.) Helping sway my decision, though, were university administrators encouraging students to earn doctorates.

The administrators' entreaties were reinforced by stories in the press promoting the idea that a doctorate was a ticket to job security. For instance, in 1983, the California State University system issued a report predicting that 83 percent of its faculty would retire by the year 2003, and that it would need to hire 11,000 new faculty members over the next 20 years. University administrators predicted an increase in job opportunities for all doctorates around the same time I would be finishing school.

So, with some reservation, in 1984, I entered one of the country's top-ranked engineering doctorate programs. I wrote a thesis on "The Physics and Modeling of Gallium Arsenide Solar Cells." The topic was interesting, but I discovered that much of the research work towards my degree consisted of debugging computer code, a very menial and noneducational task. My work was later used by Eastman Kodak in laser technology for commercial applications. My only compensation was the "training" I received from the university. Indeed, my job as a doctoral candidate seemed designated as "education" simply to justify its temporary status and lighter-than-air paycheck.

Entering my final year of school in 1987, I turned my attention to job hunting, using the university's placement center, pursuing job ads, and employing headhunters. Newspaper reports at the time suggested job hunting should have been a cinch. In 1986, a *New York Times* headline had screamed "Colleges scrambling to avert a possible faculty shortage," and

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the article ominously warned that by the turn of the century at least 100,000 of the nation's 450,000 full-time professors would be retiring. Columbia University announced that it was starting aggressive recruiting for faculty, and it even set aside special funds to provide young scientists with start-up research support. College administrators expressed concern that they wouldn't be able to compete with the higher salaries of the private sector.

My experience in the job market, however, proved vastly different. To my dismay, company recruiters showed little interest in hiring doctorates. Faculty openings, too, proved to be nearly nonexistent. After 10 years, I left school frustrated and jobless. I was not alone. All the hype in the mid-'80s about the dwindling number of American scientists had been effective in swelling the ranks of the doctorates with people like me—as well as vast numbers of foreign students taking advantage of American educational opportunities. By 1987, an astonishing 80 percent of engineering doctorates were foreign nationals on temporary visas.

Ironically, many of the "studies" claiming that the United States would be facing a massive shortage of trained scientists assumed that foreign students would return home when they finished their degrees. Of course, they didn't; at least half of all foreign doctoral students remain in this country after graduation. That fact, though, didn't seem to make much of an impression on the media. Despite droves of students pouring into American doctoral programs, university administrators were still making headlines warning of the coming shortage of Ph.D.s, especially in the hard sciences and engineering.

In February 1989, Richard Atkinson, the chancellor of the University of California at San Diego (UCSD), warned that the United States needed to invest at least $300 million a year in additional scholarships for doctoral candidates to avoid critical shortages of high-level scientists in the coming years. He estimated that by the turn of the century, only 10,500 new doctorates in natural science and engineering would be available to fill an estimated 18,000 jobs. The National Science Foundation was predicting an astounding shortfall of 80,000 doctorates by 2006.

In 1990, the Association of American Universities released a study called "The Ph.D. Shortage: The Federal Role," which claimed faculty shortages in engineering and other sciences would soon hamper the American economy and required federal intervention. The feds were already starting to oblige.

"Faculty tend to be more focused on their needs and their department's needs for doctorates than on the job market."

~ Prof. William Massey, Stanford University

The week before the report appeared, Secretary of Education Lauro Cavazos made a national appeal to increase the number of college grads pursuing doctorates in hard sciences and engineering by 25 percent.

Post-Doc Blues

Even as all the world seemed to be warning of the coming shortage of doctorates, I was becoming exasperated by the lack of job prospects for a doctorate holder. I was trained as a research scientist and wished to pursue work in the lab, but with reluctance, I began teaching part-time at Richland Community College, hoping to eventually seize a full-time position when one became available. After several years, I quit, disillusioned. Full-time teaching positions were scarce, and no college would even grant me an interview.

After fruitless attempts at finding a job in my field and an unsuccessful attempt at screenwriting, I developed an eye condition which prevents me from working at a computer terminal, making me even more unemployable. Today, I'm bitter, depressed, and unemployed, the product of a university system that espouses academics but has research business at its core.

Again, though, (except for the eye condition) my experience is not unique, particularly among doctorate holders seeking full-time academic jobs. While many of the earlier predictions about massive retirements of tenured professors have indeed started to come true, university administrators have seen the

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retirements as an opportunity, not a crisis. In a world where labor costs account for 70 percent of their budgets, universities have simply replaced tenured faculty with "adjunct" professors and other cheaper alternatives, including graduate students. Between 1975 and 1995, the number of full-time faculty positions in American universities declined, while the use of part-time faculty more than doubled, according to the American Association of University Professors.

The competition for those few jobs was fierce, too. Between 1991 and 1995, the number of scientists and engineers in post-doctorate jobs—a kind of holding pen for future scientists and professors—almost doubled, to 16,000. Combined with the number of folks with full-time academic appointments but no faculty rank—teaching associates and those in administrative jobs—there are nearly 40,000 people with doctorates in science and engineering scraping by in poorly paid, dead-end jobs in academia.

Finally, someone in academia recognized that universities had gone a little overboard producing doctorates. In 1995, Stanford University released a study that found only 25 to 50 percent of all engineering doctorates ever get jobs in their field, and that the country had churned out 25 percent more engineering doctorates than the economy could absorb. Unlike previous studies, the Stanford researchers actually included foreign students in their estimates, assuming at least half would remain in the country.

William F. Massy, the Stanford professor who conducted the study, admitted that graduate students were an inexpensive labor pool for universities. "Faculty tend to be more focused on their needs and their department's needs for doctorates than on the job market," he said.

Lab Rats

Despite the Stanford findings, armies of newly minted doctorates continue to enter a slim job market. The number of new doctorates in science and engineering remains high, with 26,823 conferred in 1999 compared with only 18,799 in 1975.

Why so many doctorates? U.S. universities were initially developed with teaching in mind and the traditional view of universities as ivory towers remained relatively unchanged until World War II, when professors were recruited to work on military projects—the development of the atomic bomb, radar, et al. Those professors discovered cutting-edge research was more intellectually appealing than classroom instruction. What followed was a Research Arms Race, which only escalated in 1980, when Congress passed the Bayh-Dole Act, allowing universities to patent federally funded research and license their discoveries to industry.

Additional research laboratories were built and grad students were "hired," all in an effort to achieve prestige, attract research grants, and make money on the patented results. Greater emphasis on research did not mean professors were *doing* the research, however. Gradually, they transformed themselves into supervisors guiding grad students. (My professors, when they weren't supervising the lab, usually taught one course a semester—three hours a week of class time—and played a lot of racquetball.)

Because professors are handsomely rewarded for pulling in research dollars, they employ throngs of doctoral students. But government support for university research has fallen steadily over the past decade. To make up the gap, universities have turned increasingly to the private sector, which provided more than $2 billion in 1999 to universities, according to the National Science Foundation. My alma mater, Purdue, sports a $255 million research budget today, with $35 million coming from the private sector.

Private industry has found that it's cheaper to fund a university lab than to set up its own. Last year, Novartis, the pharmaceutical giant, gave the University of California at Berkeley $25 million for basic research—a pot of money that made up nearly the entire research budget of an entire department.

While now allowed to keep the first rights to licenses on much of Berkeley's scientific discoveries, Novartis also gets generous tax write-offs for its grant to the nonprofit university. Plus, it can employ the services of low-paid grad students, rather than company scientists who might demand such things as minimum wage, health insurance, and pension plans. Such a system only works, however, if there are enough students to do cheaply the menial lab work as well as pick up the teaching load for the full-time professors otherwise distracted with making money from their research.

It's no surprise that former UCSD Chancellor Richard Atkinson, who was crying wolf about the lack of doctoral students entering the system 10 years ago, is now leading the charge to bring academia more private research money. Since Atkinson took over as president of the California University System in 1995, according to the *San Francisco Bay Guardian*,

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industry-sponsored research at UC has grown by 77 percent.

California Gov. Gray Davis also plans to build three Institutes for Science and Innovation at several UC campuses. Davis hopes these biotech and telecom research centers will stimulate the state economy. The centers will cost the taxpayers $300 million, and will be supplemented with industry funds. Naturally, they will be staffed by hordes of aspiring doctoral students who will be directed towards research that financially benefits both the university and its industry funders.

Doctoral students are easily exploited for such projects, in part because they are held hostage by faculty advisors who dictate much of their work. Unlike the predetermined schedule of courses leading to a bachelor's degree, doctoral students conduct a research project marked by no clear finish. Faculty advisors almost arbitrarily decide what constitutes a body of research deserving of a Ph.D. This places doctoral candidates in precarious positions. If their research output doesn't satisfy their advisors, they can be locked into graduate school for many years. And quitting midway is not a viable option; from the perspective of a future employer, a partial doctorate equals no doctorate at all.

University, Inc.

It's evident that by awarding doctorates, administrators feel justified in operating a research business. The next stage in the evolution of U.S. universities is expansion into new industries. What's stopping them, say, from entering the fast food business? They could build restaurants on campus, employ food-science undergrads to flip hamburgers, pay less than minimum wage, call it "education," and then plead for tax-exempt status. McDonald's would protest.

U.S. universities have already conquered one industry unrelated to academics—intercollegiate athletics. The parallels between doctoral candidates and athletes abound. Underpaid student-employees are hired to operate a research and sports business while supervisors—faculty and coaches—are compensated with minuscule teaching loads and hefty salaries. The analogy extends to outside income for supervisors. Through corporate funding, professors act as entrepreneurs, pocketing outside earnings for research sometimes conducted by their grad students. Martin Kenny, author of *Biotechnology: The University-Industrial Complex*, explains: "In some cases mentors are guiding students toward commercial research and in other cases their ideas and research topics are being transferred to companies without compensation for the students."

Likewise, basketball coaches are lavished with lucrative shoe endorsement deals while the players—the true endorsers—actually wear the shoes. It gets worse. Consider the coursework. Most doctorate-level classes have little practical value, either because the course content is overly theoretical, or too removed from the student's area of specialization. Analogously, to keep athletes eligible, coaches steer them into frivolous courses that hardly prepare them for mainstream jobs.

In each case, campus jocks and doctoral students sit in classrooms, sweating out aimless lectures, not because it's worthwhile, but because it provides the outward appearance that an educational mission is being fulfilled.

College sports aside, it was the campus research business that led me and thousands of other unsuspecting folks who share my love of science to pursue unmarketable degrees. So what's the remedy for this unfortunate situation? U.S. universities should exit the research business, disassociate the labs from the school, terminate doctorate degrees, and focus on classroom instruction. Professors should be hired to teach, and researchers should be hired to research. When a student earns a master's degree, she will have the option of taking a job as a junior researcher (if one is available) and working side-by-side with a senior scientist. Because research positions are so rare, most master's-degree graduates will land non-research positions or take jobs as university teachers. That way nobody will be overtrained.

Students, if not universities, seem to be getting the message. In 1999, the number of doctoral degrees conferred dropped for the first time in 14 years, according to the National Science Foundation, with the biggest declines coming in engineering and physical sciences. It was the second-largest drop in 40 years. Naturally, the news set off a wave of hysteria from university administrators and other scientific groups.

The headline in a February *Washington Times* story read, "Dip in doctoral degrees seen as threat to science, defense." Stephen Director, dean of the engineering program at the University of Michigan, claimed that engineering faculties were already feeling the pinch of too few qualified professors, and that private industry was struggling to find research staff. I can only hope that students won't take the bait. ●

Research assistance provided by Catherine Dolinski

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Who's Who

By Susan Threadgill

If you have shared our curiosity about whether **Karen Hughes** would be able to defend her White House turf against the veteran Washington operator, **Margaret Tutwiler**, the answer is now clear. Hughes is still in the White House and Tutwiler is being dispatched to Morocco as ambassador. Surely this is a honor for Tutwiler, the innocent will say. And it is, but it's also a victory for Hughes. Getting a rival out of the White House, regardless of where, is better than having her inside the tent where her advice to **W.** might prove more sagacious than yours.

Speaking of getting rid of rivals, did **Karl Rove** and **Karen Hughes** exile **Joe Allbaugh**? Remember, this is the fellow who all during the 2000 campaign had been described as the third member of Bush's Texas triumvirate. But he's not a member anymore. He's not even at the White House. Instead, he's the new director of the Federal Emergency Management Agency (FEMA). Although that's no slouch of a position and definitely indicates he has the confidence of the president, he's still not in the White House, and that's where the power people usually want to be.

By the way, Allbaugh and his wife bought a McLean townhouse from **Lynne** and **Dick Cheney**. The $690,000 residence should be an improvement over Allbaugh's first home in Oklahoma which, according to *The Washington Post*'s **Sandra Fleishman**, the Allbaugh family abandoned after his mother discovered a rattlesnake in a dresser drawer.

We hear that there's a **Clinton**-type sex scandal lurking in the recent past of one of the new **Bush**ies. We won't tell, but we're just mischievous enough not to mind if the guilty party sweats a bit over the possibility that someone else might.

And if you weren't already convinced that **W.**'s priority will not be tough regulation, consider the appointment of **John Graham** as head of the Office of Information and Regulatory Affairs, which has the power to review all government regulation. Graham has been the head of the Harvard Center For Risk Analysis. Ah, you say—a respected academic, perhaps even a closet liberal. Not exactly. The Center, not unlike W. and his party, gets 60 percent of its budget from companies like Alcoa, 3M, ExxonMobil, Monsanto, Pfizer, DuPont, and Dow Chemical. An example of its research is a study sponsored by AT&T that concluded, according to *The New York Times*, "That the hazards of talking on a cell phone while driving were relatively small."

If you suspect the new **Bush** administration of tilting right, your suspicions are confirmed every Wednesday. This is the day when not one, but two, weekly meetings of important conservatives are held. The first is held by conservative icon, and president of Americans for Tax Reform, **Grover Norquist** at 10 a.m. at each of which, according to **Robin Toner** of *The New York Times*, "The Bush administration has had at least one representative." The second is a lunch meeting, hosted by **Paul Weyrich**. He tells Toner, "I've been through five Republican administrations, and the effort to communicate with conservatives and to understand our concerns and involve us in the process is the best of any of the Republican administrations, including **Ronald Reagan**. In fact, far superior to Ronald Reagan."

Another regulatory appointment that will make liberals nervous is that of **Timothy J. Muris** as chairman of the Federal Trade Commission. Muris, according to **Caroline Mayer** and **James Grimaldi** of *The Washington Post*, has been called "dazzlingly conservative" and a "Cardinal Richelieu," who, while an aide to **Ronald Reagan**'s then-FTC Chairman **James C. Miller III**, "aggressively set out to undo many of the regulatory initiatives the agency had begun in the **Carter** administration."

When Bush learned that he would definitely become president in mid-December, he was faced with a considerable problem: how to get a cabinet on board to start the new administration, considering that the normal FBI investigations usually take months. So he needed a vetter. Whom did he choose? None other than **Fred Fielding**, this magazine's long-time candidate for Deep Throat. You can't say that Fred doesn't know where the bodies are buried, so we applaud the choice.

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By the way, in case you doubt Fielding is Deep Throat, we have a new candidate, **Richard Moore**, whom Watergate aficionados will recall as the charming old man who totally disarmed **Sam Ervin**'s investigating committee with his "I'm an old fogey, I just can't remember" testimony. What few realized was that Moore was barely 50 at the time and, 15 years later, was pulled-together enough to serve as American ambassador to Ireland. More important, during the Watergate years, he was, like Fielding, a **Nixon** White House lawyer. Was he enough of an insider? He is mentioned on 29 pages of the ultimate Nixon insider **Bob Haldeman**'s White House diaries. By contrast, Fielding is mentioned on just four. And Moore's skill at playing senior citizen makes him fit the **Woodward-Bernstein** description of Deep Throat.

Has *Bartlett's Familiar Quotations* been taken over by the Republican National Committee? The latest edition, according to **Greg Pierce** of *The Washington Times*, contains only these quotes from **Bill Clinton**:

"I experimented with marijuana a time or two. And I didn't like it, and I didn't inhale and never tried it again."

"I am going to say this again: I did not have sexual relations with that woman, Miss **Lewinsky**."

"It depends on what the meaning of the word 'is' is. If the—if the—if 'is' means is and never has been, that is not—that is not the only one thing. It means there is none. That was a completely true statement."

In justice to Clinton, shouldn't there be at least one quote that shows he has a good side? One that we loved was in a little-reported speech at the end of the 1994 campaign. Referring to **Gingrich**, **Armey**, **DeLay**, and other Republican leaders, Clinton asked, "Can you imagine any of these fellows ever saying, 'with malice toward none and charity for all?'"

Is **W.**'s White House a tad oversensitive about press treatment of the president? According to *The Washington Post*'s **Howard Kurtz**, one of White House spokesman **Ari Fleischer**'s aides called a *Post* photo editor to complain about a Bush photograph. And the White House's chief photographer called the photo editor of *The New York Times* to complain that a color picture of Bush gave his blue shirt a purplish hue: "The president's got serious business, he wasn't at a disco."

Confirmation of this column's hints of division in **W.**'s foreign policy team comes from **Jane Perlez** of *The New York Times*, who reports that **Donald Rumsfeld**'s Pentagon team is undermining Secretary of State **Colin Powell**. "As Mr. Rumsfeld selects a markedly conservative group of officials to serve under him, and as General Powell chooses a more moderate lineup heavily dominated by career Foreign Service officers, the battle lines seem sharply drawn," writes Perlez. An example is the conflict between Powell-adviser **Richard Haass**, who advocates Iraqi sanction reform and opposes arming the Iraqi opposition, and Deputy Secretary of Defense **Paul Wolfowitz**, who has the exact opposite view on these issues.

"It's fair to say that this is shaping up into a **Shultz-Weinberger** battle royal," says **Robert Kagan**, a fellow of the Carnegie Endowment for International Peace, referring to the continuing tension during the **Reagan** administration between Secretary of Defense **Caspar Weinberger** and Secretary of State **George Shultz**.

Speaking of **Wolfowitz**, he was being interviewed recently by *The New York Times*' **Elaine Sciolino** when he interrupted the first question and started talking about his experience as ambassador to Indonesia a decade ago. "By the way, I want to interject that in Indonesia I am a major international figure and I have to admit that I enjoyed it," he said. "Waiters and waitresses would come up and say, 'Are you Mr. Paul?' ... They still have my pictures on the walls."

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Playground or Preserve?

How the recreation industry has become the newest threat to our public lands

By Nancy Watzman

THERE IS NOBODY LESS POPULAR among Coloradans than a Texan. So if your brother and you happen to be Texans who get your Dodge Ram and Jeep Wrangler stuck on a steep mountain slope 12,500 feet high in Colorado's rugged San Juan Mountains, you are not going to get much sympathy. Last August, the Hatcher brothers of Texas learned this from the locals when they drove their pickup truck and Jeep off-road and a few miles later got stuck. "There are abundant signs in the area that say, 'Do Not Drive Off the Designated Roads' and yet they drive off a mile or two across the tundra," San Juan County Undersheriff Charlie Moore told the *Rocky Mountain News*. "Then they find themselves on a steep mountainside where only an elk, a deer, a bear, or marmot belongs. Nothing with wheels on it should have been anywhere near where they ended up." Locals nicknamed them "Bubba One" and "Bubba Two."

Six days later, the Hatchers got their trucks down with the help of a local, his Hummer, and a winch, in a dangerous five-hour operation. Dozens of people watched. The brothers each escaped the debacle with $300 in fines from the U.S. Bureau of Land Management (BLM). The fragile alpine tundra they drove over, however, may take hundreds of years to recover.

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The Texas brothers were big news in Denver, and I remember reading the stories, shaking my head along with everybody else. But the fact is, we don't need Texans to muck up our alpine tundra here in Colorado; we are doing a fine job of it ourselves. In the three years since I moved West, I've seen plenty of people mixing with nature, and nature getting the worst of it.

I've been part of a traffic jam in Rocky Mountain National Park, all of us there to gawk at elk during the autumn mating season. I've been on top of Grays Peak, a popular day-hike destination near Denver, and seen some hiker's dog chase snowy white-bearded mountain goats. I've seen four-wheelers grind their way up desert rock formations near Moab, Utah, where century-old cryptobiotic crust, made up of soil lichens, green algae, bacteria, and mosses, is as easily damaged and difficult to restore as alpine tundra. And of course, I've skied. I have a local's season pass good at several Colorado resorts, including Vail-owned Breckenridge and Keystone, which all have plans to expand their terrain despite objections from local environmental groups about harm to wetlands and wildlife.

Welcome to the next great threat to the health of our federal public lands. It is us, the people who love them so much—and the recreation industry our tax dollars support. As a nation, we own 652 million acres of public land, nearly one-third of the entire landmass of the United States. The great bulk of these federal lands—460 million acres—is administered by the U.S. Department of Interior's BLM and the U.S. Department of Agriculture's Forest Service. In comparison, the National Park Service, also under Interior, has just 83

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million acres. Some of our wildest scenery is overseen by the Forest Service and the BLM. The great majority of Colorado's 54 mountains rising 14,000 feet or higher are on Forest Service or BLM land, as are much, if not most, of the red deserts of Utah, the hard granite Sierra Nevada, the prairies of the Dakotas, the swamps of Florida, the plains of Mississippi, and the Appalachians in the East.

For most of their existence, the BLM and Forest Service catered to timber, mining, oil, gas, and grazing industries, which operate under heavy public subsidies. But those industries' dominance is on the decline. Logging on national forests, for example, peaked in 1987 at 12 billion board feet, and had declined by nearly three-fourths a decade later. The real growth industry is recreation.

In 1946, the Forest Service hosted 18 million visitors; in 2000, that number was close to a billion. Interior Department recreational visits are also on the rise, and numbered nearly 400 million between the Park Service, the BLM, and the National Wildlife Refuges last year. The economic value of recreation, in fact, far outpaces that of timber harvests, the traditional "product" of the nation's national forest system. The Forest Service estimates that last year the national forests generated $110.7 billion in revenue from recreation, compared to $3.5 billion from timber.

With increased recreational use comes abuse. There is a difference in degree, to be sure, between a mining operation leaching arsenic into the water, or a timber company clear-cutting forests, and an off-road vehicle (ORV) rider tearing a trail through the forest. But the damage is nevertheless significant. Yet confronting recreational challenges to the environment is in some ways much tougher than confronting those posed by the timber, mining, and grazing industries.

Unlike huge, faceless companies, the snowmobilers darting through Colorado pine trees represent Middle America. As regular, taxpaying citizens exercising their constitutional right to pursue happiness, off-roaders, skiers, and other recreationists are enjoying the great outdoors, not trying to profit from it—which makes them a particularly difficult constituency for public officials to say no to. Even environmental groups have been wary of attacking the Gore-Tex set, since their members are often well represented in it. "It's pretty hard to demonize families out there having fun," says Andy Stahl, executive director of Forest Service Employees for Environmental Ethics. "It's harder than criticizing Weyerhauser."

It's not just environmentalists who are recognizing the tricky new dynamics of public land use politics. The old timber and mining industries, in fact, have capitalized on it. In a brilliant political move, industries bashed for years by environmentalists have found new cover in linking arms with ORV enthusiasts who share their interests in keeping roads open on public lands. The ORV riders, in particular, complicate what used to be a fairly straightforward duel between industry and environmentalists over land management.

Confronting these new challenges to our public lands is about to get even harder. Major initiatives undertaken by the Clinton administration, including a rule banning new road-building in national forests, a new policy to protect old-growth forests, new ecosystem-oriented forest planning regulations, and a ban on snowmobiles in most national parks, are all under review and in danger of reversal. And the new leadership overseeing our public lands doesn't exactly inspire confidence that environmental interests will be adequately represented in those reviews.

Ann Veneman, the new Secretary of Agriculture, and Interior Secretary Gale Norton have already signaled their sympathy for off-roaders and other heavy recreational users of public lands. In fact, before taking the agriculture post, Veneman was a lobbyist for a coalition of off-roaders, now teamed up with Chamber of Commerce types and grazing interests, fighting a Clinton plan to reduce logging and some off-road vehicle access to part of the Sierra Nevada mountain range.

"Recreation is the next battleground. The fights over timber have been largely won by the environmental community," says Jim Lyons, who served as the Clinton administration's Agriculture Undersecretary for Natural Resources and the Environment. "As recreation increases, impact on the resources becomes visible. The public and environmental community have become concerned. That's the formula for a fight."

Selling Fun on the White River National Forest

Nowhere is this brewing recreational fight more obvious than in Colorado's White River National Forest, a 2.25-million-acre spread just a few hours' drive from Denver. Some 3.5 million people now call the Denver area home, and lots of us love to play in the White River, attracted by its many peaks and meadows bursting with wildflowers and wildlife.

In August 1999, White River National Forest administrators released a proposed new plan for management of the forest based on evaluations of plant life, wildlife, wetlands, and recreational use. Nationally, more than two-thirds of such forest plans are due for revision in the next three years. The current battle over the

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White River plan is evidence of the growing national power of the new alliance between off-roaders and industry to influence these plans.

As required, the forest plan sets forth several different "alternatives," each with a different theme—for example, a focus on recreation, on biodiversity, on timber cutting. The Forest Service indicates which is its "preferred alternative," and the public has a chance to submit comments. "Alternative I" was developed with the help of environmental groups that got involved in the planning process early on, and emphasizes the principles of "conservation biology," which stresses the goal of biological diversity. White River National Forest officials, however, have made "Alternative D" their preference. It would mean new restrictions on motorized vehicles in some parts of the forest and would limit expansion of ski areas to land already zoned that way, but it is a more traditional approach to forest management.

Back in 1984, when the existing Forest Service plan for the White River was adopted, there was no need to consider any restrictions, because there were so few people traveling the forests by anything other than foot or horseback. Now all-terrain motor bikes, snowmobiles, and mountain bikes are ubiquitous on the White River trails. The Forest Service says it barely has the resources to maintain a quarter of the 2,400 miles of official roads that wind through the forest, let alone police the hundreds of miles of new trails forged by off-roaders. Nor can it address the damage they've already done.

The Wilderness Society calls off-road vehicles the "the single fastest growing threat to the natural integrity of our public lands." Before-and-after photographs collected by the group detail severe erosion to hillsides, streambeds, and desert sands on public lands throughout the West. Erosion has far-reaching effects. Soil entering streams and rivers, for example, can harm fish habitat. In addition, many ORVs, motorcycles, and other recreational vehicles use inefficient, noisy two-stroke engines that pollute vastly more than standard automobiles. Subtler is the impact on wildlife, whose foraging and mating patterns can be affected by the noise and traffic. Motorized vehicles also contribute to the spread of non-native plants, a huge problem in the West.

Yet no sooner did the White River National Forest release the proposed plan, than the staff got flooded with complaints from off-roaders. At a series of open-house meetings across the state, angry members of local off-road clubs appeared in force. At one such tense meeting, held at a Denver Snowmobile Expo in the fall of 1999, the questions for the Forest Service officials came fast and furious. "What are the cross-country skiers giving up?" asked one attendee. "Why does segregation work here when it does not work in the rest of society?" asked another. The off-roaders clearly believed that environmentalists' interests and those of the non-motorized recreationists—the cross-country skiers and hikers and so forth—had been put before theirs.

The off-roaders were right in observing that there had been a philosophy shift at the Forest Service. Twenty years ago, the Forest Service catered to companies seeking to exploit the natural resources on public lands, with environmental protection taking a back seat to industry's financial interests. Agency officials believed their priority was to ensure, for instance, that timber companies had decent roads to access remote forests, rather than to protect those forests from human degradation. Efforts to sustain the forests were mostly designed so that the timber companies would have a steady supply of lumber.

The new White River National Forest supervisor, Martha Ketelle, is representative of the changes that have occurred within the agency. An "ologist" rather than a graduate of forestry schools, she has an undergraduate degree in geology and master's degrees in hydrology, geology, and landscape architecture. She is also a member of Forest Service Employees for Environmental Ethics. In Ketelle's mind, the conflict was the result of changing times. "We have been put in a confrontational position with the culture of the Old West," Ketelle says. "There is always a new place to explore. They don't like the idea that the range is getting smaller."

As the debate over the future of the White River heated up, several members of Colorado's congressional delegation jumped into the fray. In November 1999, Rep. Scott McInnis (R-Colo.) called a meeting at the Denver Metro Chamber of Commerce to discuss strategy for White River. He invited snowmobile and off-road vehicle groups, representatives from Vail Resorts, the Colorado Farm Bureau, and the Colorado Timber Industry Association, and other industry groups, who also happen to give large sums to the congressman's campaign fund. Also attending the meeting was Richard Woodrow, now retired, who had Ketelle's job in 1984. Groups had been invited to submit their concerns to Woodrow, who would put together a new alternative plan reflecting their needs and wants.

During his tenure, Woodrow was known for his pro-ski-industry and pro-timber-industry views. Woodrow believes Forest Service's current direction is

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all wrong. "I saw a philosophical shift from a national forest for multiple use toward a conservation and Park Service type approach," he says. "It's a shift away from the forest for recreation, and that's what the White River forest is for." Woodrow says he was working as a volunteer, although "a couple of folks are helping me out with expenses—a computer, a fax." He refused to identify the source of these contributions.

Around the same time that Rep. McInnis called his meeting, Sen. Ben Nighthorse Campbell (R-Colo.) was also at work. In a study by U.S. Public Interest Research Group, Campbell ranked third in the Senate for political action committee (PAC) contributions from companies associated with the Blue Ribbon Coalition. This organization of off-road vehicle enthusiasts, whose slogan is "Preserving our natural resources FOR the public, not FROM the public," receives financial support from timber, mining, oil, and gas companies, as well as ORV and snowmobile manufacturers such as Yamaha, Honda, and Polaris.

Campbell, along with McInnis, pushed for a delay in the deadline for the official comment period, and he also held a congressional hearing on it that featured testimony from most of the industry and off-road groups that oppose the plan. Only one environmental group testified. On May 8, 2000, the day before the comment period deadline, McInnis submitted his own plan for the White River National Forest, authored by Woodrow. McInnis, who is the new chairman of the House Subcommittee on Forests and Forest Health, called it "reasonable," and a "blended alternative," drawing the best of all the various plans together into a new one.

Local environmental groups, however, quickly labeled it as "little more than an industry wish list." A close analysis of the McInnis plan by a coalition of local environmental groups revealed that it recommended about 16,000 acres for wilderness protection—about one-third the amount proposed by the Forest Service, and just 5 percent of the 300,000 acres on the environmental coalition's wish list.

The congressman's plan would allow ski areas the possibility of expanding beyond their current permit boundaries, unlike the Forest Service's plan, which would only allow expansion within the current permit limits. The level of logging permitted would quadruple. Finally, the plan would allow motorized vehicles on more of the forest than the agency's plan. The White River National Forest has yet to release its final plan, which was originally scheduled to be completed this spring, but has been delayed until August.

Recreation fees create an incentive for the agency to make decisions based not on what is best for the land, but on what will increase the number of visitors.

White River is not the only place the new industry-off-roader alliance is fighting environmental protections for public lands. For example, a lawsuit filed by the state of Idaho challenging Clinton's last-minute rule that forbids road-building on 58.5 million acres of national forests and limits logging, was joined by the paper company, Boise Cascade, and off-road vehicle organizations. (The Bush administration has delayed the effective implementation date of the new rule and has until mid-May to review it.)

In California, the industry-sponsored Sierra Nevada Access, Multiple-Use & Stewardship Coalition, opposes a Clinton plan to reduce logging by about 50 percent on 11.5 million acres of national forests in the Sierra Nevada. The plan also includes some restrictions on off-road vehicle use. SAMS, as the coalition is called, has a membership that includes timber companies, off-road clubs, Chambers of Commerce, grazing interests, and homeowners associations.

Not surprisingly, the Bush administration is interested in revising the Sierra plan. Before becoming Bush's Agriculture Secretary, Veneman helped prepare SAMS' formal comments and congressional testimony against the plan, according to *The Washington Post*. In February, Veneman recused herself from reconsideration of the Sierra plan—but only after receiving inquiries about her conflict from the *Post*.

Selling Fun—and Lots of Real Estate

The U.S. skiing industry got its start in the White River. During World War II, the army trained soldiers of its 10th Mountain Division there. From their base at

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Camp Hale, they learned how to scale cliffs, orient themselves in a winter landscape, and, most important, to ski. After the war, they founded resorts such as Vail and Aspen, all on Forest Service land.

What began with a group of quirky veterans is now big business. Nationally, resort ownership has become consolidated, and the resorts on the White River are part of the trend. Since 1997, Vail Resorts, for instance, has owned four of the 11 ski areas in the forest—Vail, Beaver Creek, Breckenridge, and Keystone. The company would have bought a fifth—Arapahoe Basin—but the Justice Department's antitrust division wouldn't allow it.

The whole area around White River is one big company town. People drawn here because of the mountains usually find themselves working for the tourism industry, which provides more than 60 percent of the jobs. Another 20 percent work in construction, building trophy homes and condominium developments, or in finance, insurance, and real estate. Jobs that were once traditional in these mountains—mining, logging, and ranching—barely show up enough in the statistics to be counted.

Despite the change in the type of industry here over the past 20 years, conflicts between the environment and industry have continued. And the relationship between the government and industries that profit from use of public lands has also remained much the same. What few people know is that, just like with the timber, mining, grazing, and oil and gas industries, taxpayers subsidize the ski industry. Unlike the old industries, whose products contribute to the general economy, it is primarily the wealthy who enjoy the "fun" that is the recreation industry's "output."

The crowds that descend on Colorado every winter have money. At Vail, during peak season, lift tickets cost as much as $61 a day—and that's not counting ski rentals, lessons, hotel, food, and lattés. More than half of Vail's visitors come from households with incomes higher than $100,000. This is where the Kennedys spend their holidays and where Ivana Trump and Marla Maples fought over "The Donald" slopeside. Former Sen. John Glenn owns property in Vail; so do Jack Kemp and Ross Perot. Though some resorts offer discounts for locals, skiing remains too expensive for the majority of Americans.

The main subsidies for these winter playgrounds of the rich are 40-year term leases for Forest Service land. In 1998, the latest year for which statistics are available, White River ski resorts paid the U.S. Treasury just $7.6 million. Nationwide, ski areas paid only $18 million to the U.S. Treasury for their use of public lands, a miniscule portion of their profits.

The fees ski areas pay are the product of a little-noticed new law passed in 1996. At the urging of the National Ski Areas Association, Congress revamped the system for calculating fees that ski areas pay for using public land. The U.S. General Accounting Office had issued a report in 1993 that charged that the U.S. Forest Service was not collecting fair market value from ski areas. But the new law did little to address this. Instead, it simply shifted the tab among the resorts—and then sweetened the deal by exempting the ski industry from environmental review when resorts renew their 40-year term leases.

Despite these subsidies, skiing is a tough business to profit from. Even with aggressive artificial snowmaking to force a Thanksgiving opening, most U.S. ski resorts can sell lift tickets only about five months out of the year, if they are lucky. As skier numbers have remained relatively flat since the early 1990s, the ski industry has discovered that real estate for vacation homes and rentals is where the real money is.

"In 1995, real-estate sales at Keystone were 2 percent of our revenues," Keystone Resort's John Rutter told fellow ski-resort executives last year at an annual luncheon. "In this past year, real-estate sales were 45 percent of our revenues." The ski industry's devotion to real estate helps drive up prices of privately built homes as well. In Eagle County, near Vail, home prices jumped 119 percent between 1990 and 1999, and the median price for a new home was $631,270. Ski-resort employees rarely can afford to rent a place nearby, and so they either commute long distances—creating traffic jams and mountain smog—or cram themselves into shared apartments.

Widespread real-estate development near public lands can also be expensive for taxpayers who don't live there. The thousands of wildfires that ripped across the American West during the hot, dry summer of 2000 were all the more threatening because so many people now have homes near forest borders. Last October, Congress approved nearly $2 billion in funds to prevent and fight wildfires. The pressure to control these fires, which are part of the forest's natural cycle, was exacerbated by the property owners who wanted their houses protected, much the way rich people in North Carolina want government-backed insurance for their luxury beach houses in Hurricane Alley.

In Pursuit of Shorter Lift Lines

During the '90s, as the economy expanded, so did the ski resorts. The Forest Service rarely got in their way, despite numerous challenges by environmental-

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ists. Since 1984, ski areas on the White River doubled their terrain.

The most famous of these expansions is Vail Resorts' controversial "Category III" project, which allowed expansion into 885 acres that, environmentalists argued, were key habitat for the Canada lynx. In October 1998, Vail suffered $12 million in arson damage, allegedly at the hands of an extremist environmental group, the Earth Liberation Front (see p. 50). Despite the setback, Vail rebuilt its burned lodge and broke ground for an expansion in July 1999. In January 2000, the new area opened. Now named Blue Sky Basin, it is larger than each of a dozen Colorado ski resorts. Two months after the area opened, the Canada lynx made the federal Fish and Wildlife Service's list of threatened species.

Many of Colorado's ski areas want to expand even further, both within their permit areas on Forest Service land and beyond, including surrounding land that they own privately. The to-do list for Vail Resorts includes the Breckenridge resort's plans to add 165 acres of Forest Service land, along with real estate development of its own land at the foot of Peak 7, which has been controversial because of wetlands known as Cucumber Gulch, home to the rare boreal toad, which the U.S. Army Corps of Engineers call an "aquatic resource of national importance." Beaver Creek is lobbying to expand downhill skiing into nearby McCoy Park; Keystone Ski Resort wants to expand into an area known as Jones Gulch; and so on.

Ski area expansion can be as damaging to the environment as any timber company logging plan. In comments on the proposed White River plan, the EPA noted that ski areas on the White River make up just three percent of the forest acreage, yet "no other land management prescription on the Forest directly results in more stream-water depletion, wetland impacts, air pollution, permanent vegetation change, or permanent habitat loss. [Since 1984], more wetland impacts and stream depletions resulted from ski area expansion and improvement than from all other Forest management activities combined, including many direct and indirect impacts that are permanent (irreversible and irretrievable.)"

When it comes to water, ski resorts can have a huge impact on the environment, particularly in the arid West. Paving over wetlands to build condos does more than harm wildlife; it can affect drinking water quality miles away, since wetlands act as a natural filter for the water supply.

Artificial snowmaking invites more problems. Streams depleted by snowmaking machines are poor incubators for fish eggs, which shrivel and die for lack of water. Drawing large amounts of water can also exacerbate existing pollution. A case in point is the heavy metals found recently in the drainage that runs through the middle of Keystone. Highly toxic heavy metals are usually a sign of past mining, but there had been no mining in the area. But Keystone draws water for artificial snowmaking from the Snake River which is polluted from runoff from old mine sites and tailings piles.

Yet the pressure to continue with artificial snowmaking to remain competitive is severe. Since Keystone first started making snow in 1970, the resort has increased its snowmaking capacity from 30 million gallons annually to more than 160 million gallons. A similar amount is used at other Colorado resorts.

The ski industry has attempted to deflect enviornmentalists' growing criticism of these practices. In 2000, the National Ski Areas Association released "Sustainable Slopes," a list of voluntary environmental principles. But most environmental groups described the charter as a toothless public relations effort that stopped short of addressing the harmful effects of expansion. In explaining the glaring omission, Stacy Gardner, communications director for the National Ski Areas Association, summed up the ski resort mentality: Expansion is necessary, she said, because "it helps mitigate some of the long lines. Nobody wants to wait in line for a ski lift."

U.S./Canada Communications Director

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Go West, Young Man

Though many of the nation's most famous ski resorts are in Colorado, their expansionist tendencies are evident nationwide. Wyoming-based businessman Robert Earl Holding made his fortune on the Little America Hotel chain and increased it through the oil and gas station and ski resort businesses. His holdings include Sinclair Oil, Sun Valley Resort, and Snowbasin, in Utah, and he is worth some $900 million, according to *Forbes* magazine. For years, Holding's company wanted 1,320 acres of Wasatch Cache National Forest in Utah, which includes sensitive wetlands. These acres are near the base of his Snowbasin ski area, and the company wanted the land to develop into a four-season resort, with new condos, a golf course, and other upscale development.

In February 1990, then-Wasatch-Cache Forest Service Supervisor Dale Bosworth agreed to trade Holding 200 acres of land which was increased to 700 acres later that year. But Holding wanted more. According to the *Salt Lake Tribune*, numerous Utah politicians put pressure on Forest Service officials. Many were recipients of Holding's campaign contributions. Between 1993 and 1998, according to the newspaper's analysis, Holding and his wife gave nearly $39,500 to members of the Utah congressional delegation and to Gov. Mike Leavitt's election campaigns.

Holding also used the 2002 Salt Lake City Winter Olympics as leverage. Holding won $13.8 million in Olympic contracts, and his Snowbasin resort will host the immensely popular downhill and super giant slalom skiing races.

In the fall of 1995, Rep. James Hansen (R-Utah) and Sen. Orrin Hatch (R-Utah) each introduced legislation that did an end run around the Forest Service and authorized the land swap Holding wanted. Though the Clinton administration had some concerns, testified Deputy Forest Service Chief Gray Reynolds, "[it] supports the objective ... to expedite planning and development at the Snowbasin Ski Area in preparation for the 2002 Olympic Winter Games." Congress gave Holding the land in 1996.

Along with the 1,320-acre land exchange, there were more sweeteners in the legislation. Congress exempted the first phase of new development of the ski resort—the addition of snowmaking equipment, new lifts, a new restaurant, and other amenities—from a new environmental review. It also implied that a new 3.5-mile road to connect Snowbasin to the state highway would be exempted from an environmental impact study if the Forest Service, rather than Holding, built it.

But Forest Service officials said they could not come up with the $15 million needed to build the new road, so in 1998, Sen. Robert Bennett (R-Utah) attached an amendment to an appropriations bill that called for the taxpayers to pay for it. For this effort, the Utah delegation earned a "Porker" award from Rep. Tom Petri (R-Wisc.).

Pay to Play

While Congress was willing to spend $15 million for a new road from Salt Lake City to Snowbasin, it is stingy with providing adequate funds for basic Forest Service and BLM recreation needs, such as trail maintenance and toilets. Instead, Congress has decided to ask recreational visitors to pay fees to enter the forests and other wilderness areas. In 1996, it established a recreation-fee demonstration project, the brainchild of an industry group named the American Recreation Coalition (ARC), whose 100 members include Walt Disney, the National Ski Areas Association, and Yamaha Motor Corporation. The project allows federal agencies to keep all of the recreation fees as part of their budgets. As much as 80 percent of those fees may remain with the individual sites where they were collected so that local rangers can use the funds to spruce up outhouses and make other improvements.

In fiscal year 2000, the National Park Service, the National Fish and Wildlife Service, the BLM, and the Forest Service collected $176 million in fees. It's not much compared to the budgetary needs of these agencies, but a new source of income that will only grow if the recreation-fee program is made permanent. Recreation fees may seem sensible, as the people who visit the forests the most pay more for their upkeep. But relying on fees as a major source of cash for the Forest Service creates an unhealthy dynamic.

Aside from heavily impacting lower-income citizens, fees create an incentive for the agency to make decisions based not on what is best for the land, but on what will increase the number of visitors to the land. Moving toward a model where forest users are "consumers" buying a "product" challenges the essential nature of public lands. Instead of feeling a sense of stewardship that comes with it, people may start to feel that, because they are paying to use the land, they should get to do whatever they want on it. This is, after all, what has happened with the grazing, mining, and timber industries, whose fees also support the public lands agencies' budgets.

Over decades, these industries have paid (albeit a subsidized rate) for what they take from the forests. A pattern was set, and now there is an entrenched

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belief that because they pay, they deserve what they have always gotten. There is a pointed difference between this attitude and one where using the forests is a privilege bestowed by the public, which owns the land. That sense of entitlement also makes the government's job harder when they make even modest attempts to rein in the very people who feed its budget.

Yet strapped for cash, the Forest Service is turning to private industry to provide services the agency once managed. Already, about 17,000 private companies operate campgrounds and recreational facilities. But how can the agency maintain its commitment to sustaining the forests and other wild places if it is dependent on those who abuse the land? Businesses exist to turn a profit. If protecting the forest ecosystem does not produce for the bottom line, as the ski industry has demonstrated, then industry will push to modify the agency's environmental policies.

"It's pretty hard to demonize families out there having fun," said Andy Stahl, executive director of Forest Service Employees for Environmental Ethics. "It's harder than criticizing Weyerhauser."

The pattern developing for policymaking on recreation on public lands sounds very much like the sort of mutual dependence that developed over the decades between the extractive industries (timber, mining, and others) and the government. However, there is an important difference here. The old battles always devolved into an "us" and a "them"—environmentalists or industry. In the fight over recreation, there is only an "us." As someone who has camped and hiked and biked and skied in dozens of national forests and on BLM land and in parks, I know this all too well.

There is a real danger in singling out any one group of the recreational community as "bad." There are sure to be many off-roaders who are perfectly content to stay on designated trails and be good environmental citizens, just as the mere act of skiing at a resort does not mean endorsement of the ski area's planned expansion into alpine wetlands or lynx habitat. However, when official off-roader organizations are lining up with the timber, mining, grazing, and other industries to oppose any restriction on their access to public lands, they effectively become as "bad" as those other exploitative industries of old. The same is true for a ski industry that wants praise for endorsing a "sustainable slopes" program but continues to seek greater profits from real estate development that threatens wetlands and wildlife.

It doesn't have to be this way. Mountain biking can be damaging to the environment if bikers head off trails, through wetlands, and so forth. However, in Colorado, some bicycling organizations have signed on to a set of conservation principles, along with environmental groups, that supports restrictions on where bikers can ride their bikes in the White River National Forest.

And when off-roaders complain that environmental protectors are denying them their right to motor across public land, it is important to keep perspective. Clinton's regulation protecting 58 million acres of forests from new roads, after all, applies to less than one-third of national forest lands. In the national forests alone, there are already some 380,000 miles of roads that the agency cannot afford to maintain, the great majority of which are open to off-roaders. More than 90 percent of BLM lands in the lower 48 states remain open to ORVs. Yet off-roader groups consistently oppose any restriction on ORVs, opposing the new roadless regulations, the National Park Service's recent ban on snowmobiling in national parks, and individual forest management plans that limit use to certain trails. The ski industry, meanwhile, already has access to thousands of acres of land and doesn't need any more.

This land belongs to all Americans, not just those who can afford to fly to Vail for a ski vacation, or who happen to be lucky enough to live nearby. As more and more people pour into our public lands seeking nature, we need to make sure we don't make a mess of them. If we have to stand in a lift line, or keep to a trail, or pack out our waste, so be it. We owe it the land, and we owe it to future generations. ●

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Flatlining

The coming collapse of managed care and the only way out

BY RONALD J. GLASSER, M.D.

EVERYONE KNOWS THE HORROR STORIES of managed care: the denied treatment, the preauthorizations, refusals to allow subspecialty care, etc. So there is little reason to mention the motorized wheel chairs denied for patients with spina bifida—"our evaluation team has determined that your patient can walk assisted with braces or walker the prescribed twenty meters in under the approved ninety seconds." Nor is there need to remind of the termination of skilled nursing care for adolescents with cystic fibrosis—"home nursing care will be discontinued at the end of the month due to the plan's determination that there has been stabilization of your patient's clinical course."

Even as I write this, my home state of Minnesota's largest HMO is refusing to approve a discharge order to transfer a quadriplegic 18-month-old girl to the city's most respected and accomplished rehabilitation medical center because it isn't on the HMO provider list. Try to justify that to your conscience or explain it to traumatized, desperate parents. But these are only the everyday skirmishes. As a pediatric nephrologist and rheumatologist in Minneapolis, I've been on the front line of these battles for 15 years, and I've experienced first-hand the insanity of managed care.

Under managed care, physicians have fared no better than the patients. Despite what the managed-care industry would like you to believe, there is no real competition out there, no real choice. In any urban population of less than a million people, one dominant health plan usually covers more than 50 percent of the area's enrollees. In the larger cities, there are usually only four plans that cover more than 70 percent of the residents. These big plans run the show, shadow each others' prices, and do not easily tolerate criticism.

Steve Benson, a well-respected pediatrician for over 20 years worked in a clinic recently taken over by a health plan. After questioning the appropriateness of the plan's insistence on scheduling patients every 10 minutes, he was told that he was not a team player. But he continued to complain that ten minutes per patient was not enough time to perform an adequate exam, much less counsel young mothers. More pointedly, after he complained that such a draconian patient-care policy was detrimental to the family and demeaning to the doctor, the medical director took Benson aside and told him that he was disruptive. If he wanted to continue at the clinic, he would have to seek counseling with the plan's psychiatrist. When Dr. Benson refused, he was fired.

The plan was determined to make an example of the good doctor. The separation clause of his contract stated that if he left the clinic, he could not practice within two miles of the facility. The plan interpreted "facility" to mean anything owned by the health plan, including depots, warehouses, parking lots, machine shops, and administrative buildings. That meant virtually the whole metropolitan area and most of the rest of the state. Daunted by the prospect of endless lawsuits, Dr. Benson, at the age of 56, was forced to leave his practice as well as the state. There were no more complaints from the other physicians.

Cherry Pickers

The lunacy of managed care began with the passage of the 1973 HMO Act. Within a decade, that craziness had grown into a full-blown catastrophe. It is fair to say that, back in 1973, no one had a clear vision of exactly what these organizations were, how they were to be run, what precisely they were supposed to do, or how they were to become profitable and remain fiscally sound.

The original idea was simple enough: Health-care

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costs were rising for employers and some method had to be devised to control them. What better way than to put together a whole new health-care delivery structure that would focus on keeping people healthy and that would place each patient into a health care "network," based on sound medical and economic principles?

Not surprisingly, though, patients wanted to stay with their own doctors and were reluctant to sign up with a health plan that wouldn't let them go to hospitals not in the plan. The imposition of whole new structures and delivery systems would have their own unique costs and unexpected problems.

Still, the health-maintenance organizations had enormous built-in advantages that allowed them to quickly overcome patients' doubts while overwhelming both physician resistance and the skepticism of the business community. First of all, as the name implied, HMOs were never set up to care for the sick—a problem if you intend to be in the health-care business. In addition, HMOs only offered medical care through employers, which virtually guaranteed them a healthy population. The insurance industry calls this tactic "cherry picking."

Full-time employees are the perfect demographic for any health-care company. Eighteen-to-55-year-olds are universally the healthiest cohort in any society; but the real "cherry picking" lay in selling health insurance only to employers, because no one who has heart failure, severe asthma, or is crippled by arthritis can maintain full-time employment. You start with healthy people, and if workers become ill or injured on the job, there's always worker's comp.

But the HMOs' real advantage lay in their start-up costs. No one in America will ever see another new car company built from scratch because of the billions of dollars it would take to build the factories, set up the infrastructure, and establish distribution systems. But HMOs were, from the very beginning, given a pass on initial expenditures. The original HMOs were not viewed as insurance companies. In California and many other states, they were licensed under the department of corporations rather than with the state's insurance commissioner.

At first they looked more like what were called "independent contractors" than insurance companies. In fact, that was precisely how the HMOs presented themselves—nothing more than a group of doctors offering to supply health-care services to a defined group of people, similar both professionally and legally to carpenters or roofers offering their services.

Amidst all this initial confusion, managed-care companies were exempted from the usual requirements of insurance, specifically the need for large cash reserves. In short, they could become insurance companies without having monies available to pay claims. One of the largest and most successful HMOs in Minnesota came into existence with nothing more than a $70,000 loan from a neighborhood bank to rent office space, hire two secretaries, and purchase a half-dozen phones.

One of the largest HMOs in Minnesota came into existence with nothing more than a $70,000 loan from a neighborhood bank to rent office space, hire two secretaries, and purchase half a dozen phones.

This reckless financing led to what soon became a corporate Ponzi scheme. Without adequate reserves, HMOs had to keep premiums ahead of claims, and since premiums had to be kept artificially low to gain market share, that meant what it has always meant in the insurance business: lower utilization, or in the new health speak, denial of care.

Managed-care companies have always used certifications, pre-authorizations, formularies to restrict drug use, barriers to specialty care, limitations on high-tech diagnostic procedures, and the hiring of physicians willing to accept reduced fees to keep costs down and profits up. These restrictions were ignored when managed-care companies covered only a few hundred thousand people, but last year, over 140 million potential patients were enrolled in managed care. HMOs could no longer hide what they were doing.

Drive-By Delivery Debacle

Managed care's first great PR disaster was the early discharge of new mothers within 24 hours of delivery. Obstetrics was always a financial black hole for these companies. About four million babies are born in the United States every year, and managed care covers the cost for almost two-thirds of the deliveries. The average cost in the Midwest of a standard delivery and two-day stay in the hospital, not including physician and

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anesthesiologist fees, is $4,500 for the mother and $1,000 for the baby. For a cesarean section, the cost jumps to $10,000 for the mother and $4,500 for the baby—and the hospital stay goes to four days. And these are the costs if everything goes right.

Do the math: Just assuming all the deliveries are standard ones, with two days in the hospital per delivery, the cost works out to nearly $22 billion a year. HMOs weren't financially equipped to handle those kind of costs year in and year out. They had become profitable by signing up only healthy people. Unfortunately, healthy people also have babies, and $22 billion a year was quite a hit on very narrow profit margins. So the managed-care managers got the bright idea that if they hustled mothers and babies out of the hospitals after one day, they'd recapture half to two-thirds of their costs.

Beginning in the early 1990s, HMOs began demanding that their obstetricians discharge women who had uncomplicated vaginal deliveries within 24 hours of giving birth. The plans presented company data proving early discharge to be safe. Medical directors began to track which doctors followed this new guideline. Those who refused or balked were reprimanded or fired. But the data was nonsense. This year, a study on early discharge was published in the prestigious *American Journal of Medicine* entitled "The Safety of Newborn Early Discharge." In the article, physicians from two university pediatric centers not only challenged the managed-care pronouncements of safety, but denounced them as fabrications: "Newborns discharged early [less then 30 hours after birth] are at increased risk of re-hospitalization during the first month of life."

Not only was the data erroneous, but so, it turns out, was the math. Delivery costs are front loaded, so most of the expenses are incurred during the first day in the hospital. Unless HMO administrators somehow managed to persuade women to give birth in taxis on the way to the hospital, simply kicking them out of the hospital a day early didn't end up saving the HMOs much money.

Nonetheless, by the mid-1990s, the health plans were in charge, pushing their own agendas and their own data. First, they encouraged and then demanded early discharges. But a funny thing happened on the way to the bank. These early discharges, unlike all the other cost shaving, affected a very large, unexpected and quite formidable group of consumers: husbands. These weren't just any old husbands, they were a very unique subset of husbands: state legislators.

The average American state legislator is male, 38 to 53 years of age, usually four to seven years older than his wife, fiercely committed to family values—and usually, to his wife. All over the country, these men, unaware of the new 24-hour policy, went to the hospital following the birth of their child, and were met at the entrance to the maternity ward or, in some cases, at the doorway of the hospitals, by an exhausted spouse. In all probability, she was in a wheelchair, holding their new child, and accompanied by an aid or an OB nurse who explained to the bewildered husband that his wife and child were fine and that both had been cleared for discharge.

More than likely, the nurse handed the husband a prescription or an anti-nausea medication, and advised him that a representative from their health plan's home-care division would probably be calling in a day or two to set up an in-house visit or make an appointment with a pediatrician. If anything went wrong, they were to call 911.

The husbands clearly didn't like the early discharge policy, but had no idea where or how to complain. So they called their wives' obstetricians. The doctor would explain that she'd seen the wife in the morning and that, while she would have preferred to keep her in the hospital another day or so, their health plan's policy was to discharge within 24 hours after delivery.

The husband then called the health plan, and after a dozen or so phone calls, reached a benefits coordinator sitting at a computer screen somewhere in another state. The husband, like every husband who called, was rather unceremoniously told that early discharge for uncomplicated deliveries was the accepted standard of medical practice in their community and that the wife's attending physician had clearly authorized the discharge. If the husband still felt concerned, he should write a letter or call their HMO's toll-free complaint number.

It was a big mistake. Legislators and congressmen are not the kind of husbands who write letters or call 800-numbers. Instead, they went back to their state legislatures, and within weeks passed laws stipulating longer hospital stays for uncomplicated vaginal deliveries. Some states refused to allow discharge in less than two days; others gave new mothers a minimum of 72 hours. What was so astonishing about these laws, of which there were some 26 different versions, was not that they were passed so quickly and so unanimously, but that no health plan put up even a semblance of resistance, and none tried to have a single law repealed.

More tellingly, not a single HMO offered up the safety data that they used so successfully to coerce physicians into sending new mothers home within a day of delivery. Faced for the first time with an advocacy group that could do them real harm, the health

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plans simply caved in and admitted by their silence that they had been wrong. One HMO apologist, the president of the California Association of Health Plans, did try to defend the early discharge policy, explaining that "no one is looking at the big picture, at what will happen to monthly premiums."

The HMO industry took a terrible beating on early discharge, but it continues to try to ration care by restricting both diagnosis and treatments, further limiting mental health coverage, sending stroke victims to nursing homes instead of rehabilitation hospitals, and simply refusing to pay for new, cutting edge prosthesis, while putting more and more bureaucratic hurdles in the way of physicians prescribing new drugs. It is, after all, what managed care does, what it has always done, and what it needs to continue to do to stay in business.

The Answer

Over the last decade, I have seen managed care harass and demean physicians and punish patients. Now, it is punishing the business community, once its staunchest supporter, with premium increases of 15 to 20 percent a year. Last month, the president of the University of Minnesota asked the state for a supplemental funding appropriation of $280 million, a third of which simply covered the year's increase in employee health insurance costs. Honeywell and Boeing have the same problem, only they can't go to the state for relief. They must eat the premium increases rather than decrease health-care coverage and risk losing employees in a tight labor market.

All those original pronouncements of the managed-care industry in the late 1980s and early 1990s guaranteeing high-quality health care at low and affordable prices have been abandoned as these companies scramble to stay afloat as costs escalate and stock prices slip to new lows. This year, Aetna Health Care, in a letter to stockholders, stated that it planned over the next four quarters to drop 2.5 million members, raise premiums, and cut back on full-time staff. Not a very encouraging business plan, especially for a company insuring more than 19 million people.

Years ago, a few people warned that this market-driven experiment was bound to fail. The essence of sustainable insurance, whatever the product, is the size and diversity of the risk pool. The Royal Charter establishing Lloyd's of London, the world's first insurance company, made the point of their enterprise quite clear: "So that the many can protect the few." The idea hasn't changed in over 300 years. A sustainable insurance plan demands a large risk pool so that it can offer low rates and cover future claims. Managed-care companies handled the problems of risk by ignoring the elderly, the poor, the indigent and the needy, but it was hardly a strategy for long-term fiscal health.

Early skeptics of this new industry had watched the growth of Medicare, the government's insurance plan for the elderly, since its passage in 1965 and had no illusions that managed care could operate both efficiently and at a profit. Although an astonishing success, Medicare had also grown more and more expensive over the years. The increasing costs had nothing to do with greed on the part of physicians or hospitals, poor administrative controls, or excessive utilization of services, but plain old-fashioned need.

The creators of Medicare were shocked at the unmet needs that Medicare had unleashed, the hundreds of thousand of seniors who had gone untreated because they could not afford to visit a doctor, much less be admitted to a hospital. The country had clearly underestimated the demographics of an aging population of people who simply refused to die, as well as the astonishing growth of medical technology now able to keep the elderly healthy.

Vice President Cheney's multiple cardiac angiographies, balloon angioplasties, and coronary stints, along with his cholesterol-lowering drugs, beta-blockers and ACE inhibitors, not to mention his blood-thinning medications and anti-platelet drugs, are a testament to what can be done today that couldn't be done in the '60s and early '70s. Sooner or later, taking care of people gets costly.

Managed care had a bit of a head start on controlling costs by only offering coverage to a healthy, employed population. But as that population aged, the demand for service increased and all bets were off. Indeed, despite the bizarre claim-denial schemes the industry has implemented, it continues to lose money. Many, if not all companies, have dropped their sickest members, raised premiums and cut services just to keep in business.

How many more years of increased premiums, ever more complicated administrative hoops and decreasing services will it take to prove that private-sector health care doesn't work? Every survey, from the first nationwide study performed in 1935, has shown that most Americans want their government to supply health care to those in need. That's a fact. It is also a fact that we already have a system in place that would provide an obvious solution: expanding Medicare.

While managed care has faltered, Medicare has prospered. Throughout the whole history of Medicare, there has never been evidence that Medicare has ever denied treatment that a physician considered necessary.

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At a time when managed care routinely rations care, Medicare has simply paid for what is prescribed.

While it isn't perfect—many seniors still need Medigap insurance to cover some of the things Medicare doesn't, such as prescription drugs—it still offers a good model of efficient health care administration that could be replicated for the rest of America if expanded. Medicare is administered by fewer than 4,000 full time employees to cover some 39 million people. Aetna Health Care, meanwhile, employs 40,000 administrators to handle roughly 19 million enrollees.

Here in Minnesota, every health care dollar is funneled through eight HMOs and approximately 250 other health insurance companies. A recent audit by the state attorney general estimated that as much as 47 percent of that premium dollar is pocketed by these companies before distributing what is left to the doctors, patients, nursing homes, pharmacies, and hospitals.

By contrast, Medicare doesn't have to screw around with manipulating patient claims. It doesn't need a provider network coordinator to explain why a claim hasn't been paid or a treatment refused. And more to the point, Medicare doesn't have to underwrite its own insurance, market its "product," skim off profits, or spend a fortune on advertising and lobbying to keep the playing field tilted in their direction.

There have been times when Medicare has been unresponsive, but it has never been as ruthless or intransigent as an insurance company executive or medical director hack working for an HMO. If there is going to be a so-called tyranny of Medicare, it will be our tyranny, rather than the dictates of some anonymous corporate executive deciding the meaning of "medical necessity." There is no need under Medicare to refer an objection to "the Complaint Procedure Section as designated in the booklet explaining the rules of benefits of your Group Health Plan Membership Contract." Just call your congressman.

The nation's oncologists convinced Congress to have Medicare approve payments for outpatient intravenous chemotherapy rather than solely hospital-based treatments. Even more recently, physicians were able to get Medicare to reverse regulations that proved too foolish and time consuming to be practical in the real world. Last month, the nation's teaching hospitals had Congress place back monies that had been removed from Medicare under the 1997 Balanced Budget Act in order to fund ongoing teaching and patient-care projects. When was the last time a CEO of a managed-care company gave back anything?

Rotting Corpses

But a $1.2 trillion-a-year industry does not go away easily. Recently, Dr. George Lundberg, the former editor of the *Journal of the American Medical Association*, discussing managed care, put the whole issue in more prosaic terms. "Managed care is basically over," he said. "But like an unembalmed corpse decomposing, dismantling managed care is going to be very messy and very smelly."

But managed care is determined to survive, and it is proposing a number of programs to shift the cost and risks of health care onto the consumer while lifting the burden of increasing premiums off the shoulders of the employers. One method is the "Defined Contribution," where employers simply wash their hands of any increasing costs and give each employee a certain amount of money for health care. If the $2,000 or so lump sum doesn't cover the cost of a plan that allows employees to see their favorite doctors, or if they want say, dental coverage, they must pay for it themselves.

A second concoction is the "Medical Savings Account," modeled on individual retirement accounts to provide health care by allowing tax-free contributions to cover medical and surgical expenses. Again, there is general agreement among economists that these new programs will so fragment risk pools that those managed-care plans offering these programs but signing up the sickest members will slide into insolvency even faster than the current managed-care companies.

But to hide these structural defects and obfuscate the issue, and to stifle debate of any other rational public-sector alternatives, the advocates of managed care always bring up Canada's health care system as an example of a failed Medicare-type program. What they don't say is that each year, Canadians pay a little less than $1,600 U.S. per person for health care coverage. We pay more than $4,000 per American, and the price tag is going up annually. Canada would be able to do everything they have to do and, more importantly, what they would like to do, with what we pay. In fact, we should be able to do everything we want to do right now with our $4,000.

But the inefficiencies of a system with 2,500 different private health plans virtually guarantees the continued failure of our health-care system to provide high-quality, affordable health care for everyone. For flood insurance to work, it has to cover everyone, those who live on the hills and up in the mountains as well as those who live along the lakes and river banks. If all 280 million Americans are in the same risk pool; if the inefficiencies as well as the predatory behaviors of managed care can be eliminated, we can have the best health-care system in the world, and we can have it now.

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Tidbits & Outrages

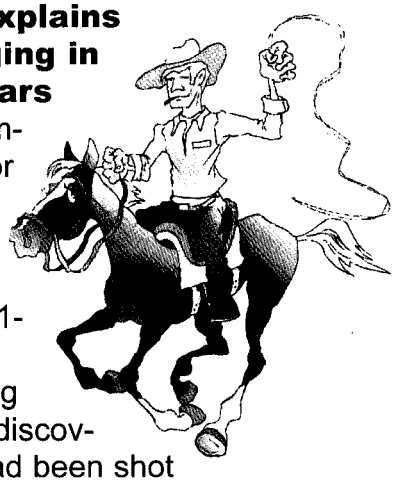
How he first met W.

Donald Rumsfeld is part of a limited partnership that invests in the cheerleading industry.

Gimme a W!

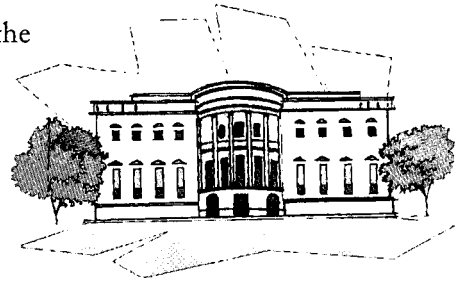
That explains the ringing in his ears

After complaining for hours of a headache and a fever, a 71-year-old Wyoming rancher discovered he had been shot in the head.



Hillary gets more powerful by the day

So few tourists wanted to be photographed with a cardboard cutout of Bill Clinton, vendors near the White House have retired it.

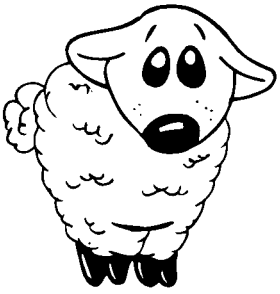


The American Dream

State Sen. Jerry Ward told the Alaska Senate during a hearing on development that, "[people want] real trails, where you can get out on four-wheelers or snowmachines and kill an animal."

Bob Dole needs a job

Congress is considering a bill to establish an Office of Men's Health within the Department of Health and Human Services.



Sheep happens

An Egyptian shepherd was shot dead by one of his own sheep.

Special thanks to Doug Hecox

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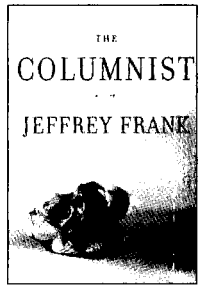
Political Booknotes

Punditus Insufferabilis

By Christopher Buckley

IT'S ALWAYS A CONFLICT OF interest when a conservative writes for a magazine published by the vast left-wing conspiracy. In this case, doubly so.

You'll see on the dust jacket of this novel a blurb by this reviewer. The book was sent to me some months ago with a request for a sentence or two of puffery. Groan. A novel about a Washington columnist? Better bamboo slivers under the fingernails. Then I picked it up. It was about noon on a Saturday. I finished it around five that afternoon. I've not done that in a very long time. I wrote the blurb, then sent the author, Jeffrey Frank, an old friend, an embarrassing e-mail in which I said something to the effect that I felt like Edward Everett, who also spoke at Gettysburg that day—for two hours—and was left to write the other guy who spoke and tell him that he had come closer to the essence of the thing in two minutes. *The Columnist* may not be the Gettysburg Address, but it comes closer to perfectly satirizing a certain Washington type than anything else I've read. It's as dark as chocolate and every bit as tasty.



THE COLUMNIST:
A Novel
by Jeffrey Frank
Simon & Schuster, $22.00

One week later, an editor of the *Monthly* called and asked if I would review the book. I said that this would constitute a grave conflict of interest that no magazine of integrity could countenance. He replied, "Could we have it in two weeks?"

Jeffrey Frank is an editor at the *New Yorker* magazine. Before that, he was an editor at *The Washington Post*'s Style section and, before that, he worked at the *Washington Star*. He is in his fifties and if this is not quite his first novel, it is his first great American novel, which surely stands as a rebuke to the rest of us who, athwart the golden admonition, began writing novels before the age of 40.

This is not a pretty story. Its main character is one Brandon Sladder, a young conniver from upstate New York who works his way up the ladder one backstab at a time until he becomes a certified Washington pundit-eminence. I'm not going to speculate on whom it's based, or about the real-life identities of the other characters. As someone who has dabbled (with far less skill) in this field, I'm in enough trouble already. You can figure it out for yourself. It should leave people sputtering and denying that they were the model for so-and-so. Watch for the *Post* to run a chart of the characters.

There have been plenty of novels about *homo punditus Washingtoniensis insufferabilis*. The triumph of this one is tone. It's Balzac as word-processed by Philip Roth, only, for my two cents, funnier. Warning: It ends up bleaker than an Alan Greenspan rate-hike, but even as you recoil, you chortle at Brandon's come-uppance. The satire runs so deep that here and there it takes a few seconds before you realize you've just been spun.

This starts in chapter one when the elder Brandon, his career over and having been through so many slings and arrows he resembles a WASP Saint Sebastian with eyeglasses, and bow tie, is chomping on canapes at "a cocktail party in the home of a wise cabinet officer, one of those happy occasions when everything is 'off the record,' when we're Americans first and antagonists second." Okay. Right away we know that we are in the narrative hands of a real ... dick. Fictionally speaking, my kind of folks.

In the next beat, the terminally but deliciously pompous Brandon is sucking up compliments from "George Bush the elder," who urges him to write it all down, the story of his life. "Don't hold back," 41 tells him. The idea of George Bush telling a self-important Washington columnist to let 'er rip is, to say the least, a daring premise. But let 'er rip he does, of course, "in the spirit of a Bildungsroman."

His bildung leaves a trail of wreckage. After college he gets a job at the *Buffalo Vindicator*, where he screws not only his boss but his poor old dad. He accompanies the editor to a conference in Washington. "By the time we reached our destination, the Mayflower Hotel on lower Connecticut Avenue, I unashamedly confronted my ambition to live here." You go, girl! He encounters Bob McNamara, "the weight of decision on his shrewd, smooth face." He dines at Harvey's and has his "first glimpse of J. Edgar Hoover, seated in a booth with a male friend." Not since Lucien de Rubempre arrived in Paris has a more unsatisfactory, impressionable country boy been blinded by obelisks and bright lights.

He leaves old Buffalo behind in the dust, moves to D.C., starves, meets a British hooker named Zoe, who introduces him to "Deputy Secretary X" who mentors him along until he lands a wonk staff job at *New Terrain*, a wee but potent policy rag lorded over by one Tobias Goldenstein. The literary editor of *New Terrain* is Lionel Heftihed, "an arrogant sort." We're off and running.

Fame, success, and good seating at ghastly dinner parties follow, along with love and sex. Sex is hard to write—especially Potomac sex, which too often comes with agendas instead of garter belts and crotchless panties—and Frank does these scenes wonderfully well. Brandon marries up, screws up, and having reached the dizzying top of the parabolic career trajectory, he begins his Icarus descent into Foggy Bottom. Splat.

How does the blurb go? This book is a stunner. Satire at its most exquisite. Wish I'd said that.

CHRISTOPHER BUCKLEY's *latest novel is* Little Green Men.

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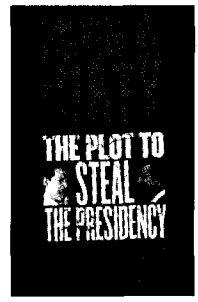
The (Very First) Rough Draft

By Jonathan Alter

MAYBE IT'S TOO SOON. I LOVED covering the Florida recount mess, but I don't love reading about it now. The insanity of the whole thing just needs to settle a bit more. Then, after all the news organizations have finished their own counts and we see more clearly from President Bush's presidency how high the stakes were, a real historian will come along and tell us what it all meant.

In the meantime, we have Jake Tapper, who covers politics for *Salon*, emptying his notebook in book form, so anxious to be the first out of the gate that he harms his otherwise good reputation in the process. It's not just that my name is misspelled in the index and my comments taken out of context in a footnote; there's a slapdash and padded quality to this book that detracts from some of the good Florida reporting within it. Books are not supposed to be rough draft Internet dispatches thrown between hard covers.

The impressionistic present tense sounds cyberhip and immediate, but it's sometimes bogus. "And Bush honcho Ed Gillespie is seen on the ground Monday and Tuesday, steering the orchestrated ugliness. One of Bush's media advisers, swingin' Stuart Stevens, is buzzing around somewhere, as well," Tapper writes on page 259. Gillespie has been "seen" by whom? Where? Doing what exactly? Tapper never says. As for Stevens, he told me recently he did his swingin' up in Vermont and never set foot in Florida during the entire post-election period.



DOWN & DIRTY:
The Plot to Steal the Presidency
by Jake Tapper
Little, Brown & Co.,$24.95

Tapper's only scoop—and only support for his charge of the illegal "plot" mentioned in the title—is that **an unnamed Republican operative told him that, on November 10th or 11th, a conference call was held in which word was passed to get GOP operatives to encourage overseas military personnel to send in their absentee ballots—in other words, to vote after the election.**

The circumstantial evidence that something sleazy happened here is convincing. More than 14,000 overseas military ballots arrived legitimately by Election Day. Because of the ferocious and highly successful GOP efforts to label the Gore campaign as anti-military for even thinking of a challenge to military absentee ballots, the postmarks on those dribbling in afterwards were not considered. But despite huge publicity about the disputed outcome, only 446 additional such military ballots arrived in the first six days after the election. Then suddenly more than 6,000 flowed **in, most of them for Bush.**

A POLITICAL WORLD

GUESS WHO'S COMING TO DINNER *NOW?*
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Mary Zeiss Stange & Carol K. Oyster
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Hmmm. Very suspicious. But instead of taking this tip and reporting the hell out of it—calling everyone who might have been in on the conference call and tracking as many GOP operatives on or near military bases as he could find—Tapper just drops it in for a half page at the end of a chapter and writes that the lack of subpoena power prevents him from tracking it any further. He's right that it's tough to prove something like this, but he doesn't even appear to try.

The same thing applies to lots of other tantalizing information in this book. In a footnote, for instance, we learn that Florida Assistant Attorney General Paul Hancock says a Florida Highway Patrol checkpoint in Tallahassee that prevented some African-American motorists from getting to the polls "was not done in accordance with normal procedure." Why not? Maybe another reporter will come along and dig deeper on this and the other suspicious Election Day activities to which Tapper devotes only a chapter.

Tapper does, however, offer some new details, especially from inside the God-forsaken Gore camp. Many pundit types (myself included) were screaming as loudly as we could in the 48 hours after the election that Gore should seek a recount in all 67 counties. Gore himself took a crucial week to make the same proposal, and then only as part of a deal where Bush would be allowed to request it. As Tapper recognizes, this was the central tactical error that may well have cost Gore the presidency. The insistence on only requesting recounts in heavily Democratic counties made Gore's "count every vote" mantra sound hollow. It also turns out that the margin Gore needed was not in "undervotes" in Miami-Dade, Broward, and Palm Beach but in "overvotes" in mostly GOP counties spread across the state. Tiny Lake County, for instance, gave Gore more than 130 overvotes. If Gore had done the right and fair thing from the beginning, he might have won.

I learned in Tapper's book that, in fact, Gore wanted to do just that four days after the election, but was talked out of it by Joe Lieberman and Ron Klain. Warren Christopher and Bill Daley were among the others urging Gore to focus on the Democratic counties where they thought the extra votes were. Democratic operatives Charlie Baker and Jill Alper were also wrong. Interestingly, the ones pushing for statewide recounts—Chris Sautter and Jack Young—were the operatives with the most recount experience from other campaigns, but they didn't have the status to push their case.

In defending themselves now, Gore aides say that state law required them to request recounts within 72 hours in 67 different counties with different rules—logistically impossible. But if a statewide handcount had been their consistent message before the Florida Supreme Court (the court early on asked David Boies if he wanted one, and Boies said it was up to Bush), the court would likely have ordered it. That is only one of the scattershot what-ifs that will resonate for years from this excruciating period of history.

JONATHAN ALTER *is a* Newsweek *columnist, NBC News analyst, and contributing editor of* The Washington Monthly.

Ski Moguls

By Bill McKibben

THIS IS A DETECTIVE STORY where the crime turns out to be nowhere near the most evil act. Early in the morning of Oct. 17, 1998, a few hunters camping near the summit of Vail Mountain saw flames leaping into the dawn sky. Someone had set fire to chairlift towers, a ski patroller's shack, and an enormous restaurant that had just been built on the slopes of what is perhaps the country's premier ski resort. The structures burned to the ground—and though the fires had clearly been started by someone, the FBI has yet to make an arrest or present evidence to a grand jury. In fact, the best summation of the evidence yet collected is in this book, a kind of private investigation conducted by *Newsweek* correspondent Daniel Glick.

What he finds is an infinite list of suspects—dozens of people and groups that had every reason to hate Vail Associates, the Wall Street-owned mountain-managers who quickly rebuilt their buildings with insurance money and got back to the work of growing their bottom line. The line-up includes the following:

• Animal rights activists and other environmental warriors, angered by Vail's plans to expand their operations (which mostly take place on the public lands of the White River National Forest) into critical lynx habitat.*

• Local businesses, which were suffering as Vail tried to maximize its profit flow by setting up its own malls full of coffee shops and ski-wear boutiques.

• Ski bums, the backbone of the slope-grooming and chairlift operations, who saw their wages withering in the face of inflation caused by an influx of zillionaires, their benefits shrinking in the face of Vail Associates' bottom-line zealotry, and their faces freezing because of the company's new grooming guidelines. (No beards for ski bums!?)

• Immigrant workers, living sharecropper lives in company trailers, most of them afraid to complain because their papers were not entirely in order. "What they call affordable housing is a joke," said one Mexican, a maintenance worker at a local hotel. "You pay $450 a month, live with a bunch of roommates you don't even know, and when you get your check at the end of the month [you] don't have anything."

• Local government officials—those in nearby Minturn, for instance—whose water supply was stolen by a platoon of Vail Associates lawyers bent on more snowmaking.

This is, in other words, a classic story of a company with almost endless power.

Some of that power came from New York money, which in turn bought a lot of attorneys, not to mention local politicians. Some of the juice came from Washington.

Vail first etched itself onto the national map when Gerald Ford made it his western vacation destination. It appealed primarily to Republicans (unlike the Hollywood/Democrat-oriented Aspen) until new director Adam Aron, who arrived at Vail from the cruise-ship industry, managed to make it thoroughly bipartisan. Al Gore flew into Aron's Beaver Creek home; Dick Gephardt was another houseguest, along with a dozen Senators. Over the

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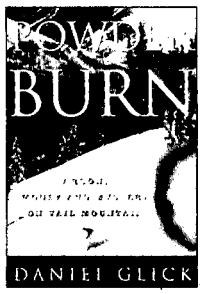
course of a one four-day summer seminar, Aron boasted, he hosted F.W. De Klerk, Secretary of Defense William Cohen, Secretary of Health and Human Services Donna Shalala, Brent Scowcroft, Dick Cheney, and Newt Gingrich.

And some of the company's influence came, as is always the case in this epoch, from careful public relations and savvy marketing—through the endless junkets and feature articles that kept the super-rich, and the merely prosperous, flocking in. What about guaranteeing "first tracks" on new powder for the highest rollers? What about ski concierges to carry your boards to the lifts in the morning and dry your boots at night? Well, why the hell not? Glick, whose book falters a bit toward the end as it becomes clear he won't actually finger a culprit, deserves real praise for telling a fairy tale for our age, one in which the evil stepmothers pretty much control everything and come out on top at the end.



POWDER BURN:
Arson, Money and Mystery On Vail Mountain
by Daniel Glick
Public Affairs, $25.00

But what if you somehow want to stop this kind of machine, or at least alter its trajectory a little? It's a question that more and more people are asking as they confront the sort of enormous economic powers that can affect entire nations as profoundly as Vail Associates affects its small valley. What do you do when the justice system doesn't deliver just possibly because the federal judge who dismissed the final appeal against the expansion into wilderness habitat belongs to a family that still owns some of the largest parcels of private land in Eagle County? What do you do when there are lawsuits "lined up like airplanes over O'Hare" against anyone who challenges the corporation? What do you do?

What someone did in the case of Vail was burn down the timber-beamed restaurant. Suspicion centered on the Earth Liberation Front, a shadowy group that had previously claimed credit for "liberating" some mink ranches. But as Glick points out, the evidence is not very good—one e-mail that arrived a few days later with no telling details, and no real suspects.

Whether or not it was the ELF, the lesson from those October blazes was clear: It's very hard to fight greed with fire. Unlike the often-clever actions of Earth First! in the 1980s, when the group was still under the spell of Edward Abbey's novel *The Monkey Wrench Gang*, the Vail fires were cowardly enough to create a wave of sympathy for Vail Associates, and all but guaranteed they'd be able to go ahead with their expansion plans. In fact, an amazing number of Glick's sources indicated that Vail Associates itself had the most to gain from burning down its own buildings.

While it's easy to condemn destruction, it's very hard to know

DAMNED LIES AND STATISTICS
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"Best is at it again. In *Damned Lies and Statistics,* he shows how statistics are manipulated, mismanaged, misrepresented, and massaged by officials and other powerful groups to promote their agendas. He is a master at examining taken-for-granted 'facts' and debunking them through careful sociological scrutiny."
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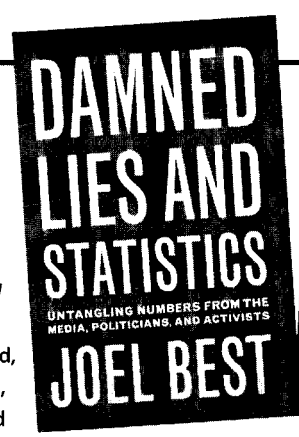

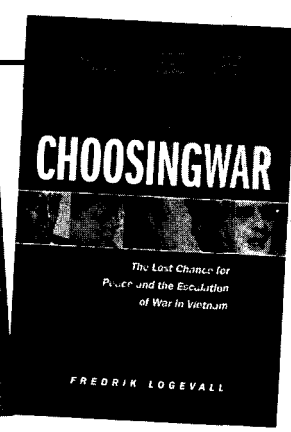

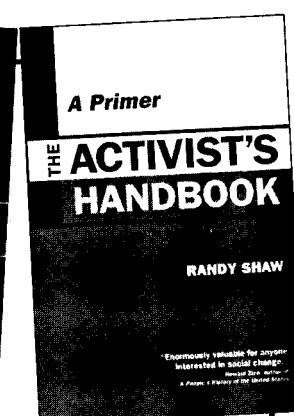

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what kinds of tactics do work against massive power. In Seattle, civil disobedience seemed to be making some progress in opening the issue of globalization to public view, though the message was undermined by violent anarchists smashing windows. On big environmental issues like climate change, environmental leaders have taken the exact opposite tack—they toned down the militancy and spent the last eight years cozying up to the White House in hopes of extracting real victories, but they were largely disappointed.

Some new combination of Internet organizing, street campaigning, and political lobbying seems to be evolving on the progressive Left, but it has not yet taken mature form. Activists hope the Bush presidency may give them new vigor, but it is at least as likely that his public relations specialists will spin any attacks to their advantage. It's hard work trying to find traction against power in boom times, and maybe harder when the economy turns a bit sour and people get fretful.

The deep valley that leads up to Vail Mountain is one of many test tubes for this research, but so far at least, the experiment has not gone well. For the moment, the rich are getting richer, the poor are working harder, and the lynx are getting run over on the highways.

BILL MCKIBBEN *is the author, most recently, of* Long Distance: A Year of Living Strenuously.

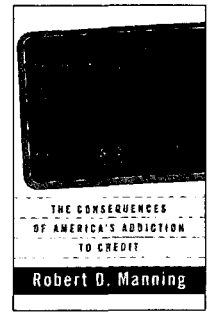
**Read more on this in Nancy Watzman's piece, "Playground or Preserve?," on p. 36.*

Plastic People

By Maya MacGuineas

WITH 1.5 BILLION CREDIT cards floating around, $560 billion in outstanding credit-card debt, and negative personal savings rates, clearly credit-card debt in the United States is a problem. With a million-plus bankruptcies each year, borrowing has taken on a role far beyond traditional economic justifications of investment or income smoothing.

While Robert Manning acknowledges in *Credit Card Nation* that overconsumption plays a role in the mounting piles of debt consumers are shouldering, he doesn't just fault individuals. He casts a wide net of blame, including the marketing and profit maximizing practices of financial companies, Reagan's supply-side tax cuts, financial deregulation, an unstable post-industrial economy, growing income and wealth inequalities, and a shift in cultural norms from the Calvinist ethos of industry and frugality to one of competitive consumption and short-term gratification.



CREDIT CARD NATION: The Consequences of America's Addiction to Credit
by Robert D. Manning
Basic Books, $26.00

Manning's comprehensive approach to the causes of credit-card debt is far more compelling than the simple notion that aggressive marketing campaigns and solicitations alone have propelled the trend of credit-card-based lifestyles. While much of *Credit Card Nation* is devoted to exploring these causes, the book also relies heavily on characters who actually leave the reader thinking that this problem, in large part, boils down to a lack of personal responsibility.

There is Ron, painted as a victim of the leveraged buyout of Revlon. But somehow his swirling career path from postdoctorate researcher to private-sector chemist to part-time clothing salesman to stockbroker back to chemist back to stockbroker is not reminiscent of most people's experience of the 1990s. To blame the merger and acquisitions era for what appears to be a rather whimsical career track and the thousands of dollars in credit-card debt that financed the various transitions seems a bit of a stretch.

Then there is Catherine, whose predicament is intended to represent "the effects of student loan obligations and personal bankruptcy as strategies for coping with credit-card debt" particularly on single women. While there is a worrisome rise in single women petitioning for bankruptcy, it is difficult to conjure up much sympathy for Catherine's use of her student loans to pay her credit-card bills amassed from spending sprees at Saks Fifth Avenue and Neiman Marcus because she wonders, "Why should the bourgeoisie have all the nice things?" Her frustration mounts when she finds that declaring bankruptcy wipes away her remaining credit-card debts but not her student-loan obligation. The lesson a more hard-hearted reader might glean is that student loans are better used for educational pursuits than theater tickets and expensive cosmetics.

It is not hard to empathize with college students struggling under the burdens of school loans and part-time jobs. But Jeff? Upon entering college, Jeff found himself a clique of new friends who apparently thought paying in cash was behavior reserved for "quaint and backward cultural practices of Depression-era farmers," so he used his 16 credit cards to impress them, shelling out for vacations in London and Canada. "Poor Jeff" doesn't quite cut it.

Nonetheless, Manning insightfully traces many of the changes that have led to credit-card debt as a mainstay of consumer culture. He covers the story of how, during Citicorp's challenges with deregulation and with poor Third World and real-estate loans, the conglomerate used credit-card networks to bypass interstate banking regulations and state usury laws, leading to profits of three to five times those of other banking activities. As Manning illustrates, the promise of increased competition from deregulation did not bear out in the marketplace.

In 1977, the top 50 banks had half of all credit-card accounts; today the top 10 control over three-quarters, helping explain why interest costs have climbed to such heights. Manning also points out how new technologies have been used for financial profiling and customer acquisition rather than to increase customer-friendly information or efficiencies.

Jeff aside, one of the most troubling trends Manning covers is the rise in undergraduate students' access

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to, and use of, credit cards, a trend originally documented by one of this magazine's contributing editors, Joshua Wolf Shenk, five years ago. Over three-quarters of students today have at least one credit card. Average balances are $2,748, up almost 50 percent from two years ago. Most students are unaware that paying the minimum amount on an average balance could leave them repaying their debt for 15 years.

Manning also traces the growing divergence in what different groups pay for credit. While the cost of consumer credit has nearly doubled since banking deregulation, corporate lending rates have only inched up. More disturbing is the pulling out of "reputable" financial institutions from underclass neighborhoods, leaving a void that has been filled by check-cashing outlets, pawn shops, and rent-to-own stores, with some rates reaching an astronomical 700 percent.

Varying rates based on specific individual risk characteristics may be fair business practices, but generalizing based on residence is clearly an offensive market failure. Still, Manning never reconciles his conflicting points that companies were first irresponsible in targeting low-income individuals who could not afford the debt levels offered, and then classist when they eventually pulled back.

In the end, Manning leaves the reader wondering what should be done. Short of policy solutions, one is left to assume Manning would like to return to the Puritan ethos of frugality and savings he talks about so fondly. But cultural norms are unlikely to shift without an economic crisis.

There are plenty of options, from the student counseling Manning mentions to stronger regulations concerning the cost of credit or the amount of debt that lending institutions are permitted to extend. Many regulatory steps would be objectionable to free-marketeers, but given the tremendous costs to society, there is a case for such interventions. Sure, it would be nice to think that the financial industry might introduce some of these measures on its own—but I'm still hoping gun manufactures will choose to introduce trigger locks.

The story of unsustainable spending, paltry savings, and mounting debt is not a simple one. Manning does justice to the intricacies of the causes. But after reading 300 pages on the topic, one is left feeling that the reader deserves at least the suggestion of a comprehensive solution.

MAYA MACGUINEAS *is a fellow at the New America Foundation.*

Left Out

By Michael Crowley

IT IS PAUL WELLSTONE'S MISSION in life to stick up for the little guy—noisily, and at great length. Anyone who watches Senate debates has seen Wellstone holding everything up with a furious tirade about the neglected poor. When he gets going, Wellstone shouts with real anger, his eyes actually bulging. He's like a cross between Ralph Nader and Dick Vitale.

If Wellstone seems extraordinarily good at this, it may be because he's been practicing it for a long time. "My sixth-grade class was outside during recess playing kickball, and an overweight boy was being ridiculed for being a bad player," Wellstone recalls in *The Conscience of a Liberal*, his new account of life in politics. "I stopped the game and came to his defense with a passionate speech." Wellstone doesn't say whether he was rewarded with an ovation or a painful round of wedgies. But it's clear a politician was born on that kickball court.

Today, Wellstone still relishes the role of lonely hero taking on powerful bullies. But now it's his fellow senators, sometimes from his own party, whom he's challenging. For instance, shortly after his election in 1990, Wellstone tried to prevent the Senate from passing a $20 billion S&L bailout bill with an anonymous voice vote. The newcomer couldn't believe such a thing actually happened. But when he demanded a recorded roll-call vote, Wellstone writes: "[t]he reaction was swift and decisive ... a wave of Democratic senators confronted me. One said, 'What makes you so self-righteous?'" The scene quickly begins to feel like something out of *The Godfather*. "Another group of senators came over with Robert Byrd, chairman of the Appropriations Committee. 'Senator Byrd,' they said, 'tell Senator Wellstone what a big mistake he's making.'" Yet Wellstone didn't relent. And now, he says, all controversial measures must undergo recorded votes as a result.

Scenes like these, in which Wellstone irritates his jaded colleagues with some stubborn stand on principle, are the highlights of *The Conscience of a Liberal*, his account of life as the most outspoken left-winger in Washington. Too often Wellstone is indeed self-right-

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Judge James P. Gray

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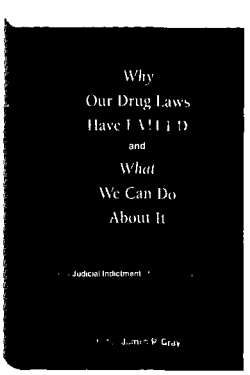

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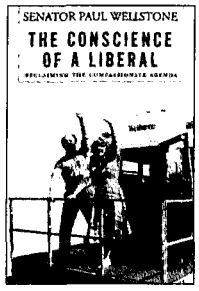
eous—not to mention self-congratulatory, preachy, sentimental, and woefully short on practical political advice. But he also brings an admirably fresh, uncorrupted eye to government and political life. And in the end, he leaves us rooting for him and his garish violations of Washington etiquette. What lessons fellow Democrats can draw from him is another matter.



THE CONSCIENCE OF A LIBERAL:
Reclaiming the Compassionate Agenda
by Paul Wellstone
Random House, $23.95

One roots for Wellstone partly because he's the real thing—an underdog himself. He is a short-statured, slightly unkempt former college professor who is decidedly not a member of the Senate millionaires' club, and never will be. Unlike some other Senate liberals who have a whiff of Chardonnay about them, Wellstone dirtied his hands for years in Minnesota organizing workers and the rural poor, and even getting himself arrested while trying to prevent a bank foreclosure on a small farm.

Alas, personal credibility alone doesn't pass legislation. Wellstone's politics don't produce many real results and often leave him on the margins in the Senate. He frequently finds himself on the losing end of 99-1 votes. And particularly since Republicans took Congress in 1994, Wellstone concedes, "over 80 percent of my work as a Senator has been playing defense ... rather than moving forward on a progressive agenda." Often, he seems caught up in amusing but meaningless squabbles—like forcing Republicans to vote against a non-binding resolution stating that the U.S. Senate will take no action to harm poor children in America. And like every ideologue, Wellstone is too quick to see the world as an epic struggle between Good and Evil—with himself on the divine side, of course. "Truth, beauty and justice did not prevail," he writes of one vote, "and my amendment failed." (Wellstone also doesn't hesitate to name colleagues who let him down. Ted Kennedy was too jaded about the chances for single-payer health care, he says, and Patrick Moynihan didn't fight hard enough to prevent welfare reform.)

Wellstone himself admits to feeling conflicted about this political impotence. "How does being a 'liberal voice of conscience' help people I love and care about who need help now?" he asks. This, of course, is the political radical's eternal dilemma. And it leads to the real shortcoming of Wellstone's book—and his political career: the lack of a convincing case that left-wing politics can muster real voter enthusiasm and therefore achieve any of its goals. (Wellstone got elected, but only in a state willing to have a pro wrestler for a governor.) Echoing Nader, Wellstone writes of a "forgotten majority" in America, composed of would-be liberal Democrats who don't vote because the Democratic party doesn't speak to them any more. "Unfortunately, I think [Bill Clinton] too often tailored his policies and programs to commercial imperatives, failing to engage ordinary citizens," he writes. "Clinton helped shape a Democratic party that some believe has little purpose other than winning elections."

But after wearing the reader down with tedious lists of depressing statistics about poverty and injustice, Wellstone does little to show how his brash liberalism can succeed at the polls. It may well be possible. Al Gore, after all, surged just when he was speaking in his most populist rhetoric. Wellstone doesn't make this case, however, preferring instead to rely on mushy talk of grassroots organizing, and trotting out fungible polling data that suggest voter fondness for liberal causes (never mind that Wellstone proudly says he boycotts meetings of Senate Democrats where pollsters will be speaking). He also spends no time refuting reasonable conservative objections to big-government liberalism, or discussing policy ideas any more innovative than raising spending ("investments"). As Democrats cast about for a coherent platform in the post-Clinton era, it may be that some of them will advocate a shift to Wellstone-style liberalism. But it will take more than a guilt trip to convince the rest to follow.

MICHAEL CROWLEY *is a senior editor at* THE NEW REPUBLIC.

Meat Market

By Jacob Heilbrunn

HOW MUCH ARE YOU WORTH? No, not your net assets. I'm talking about your body. When it comes down to the minerals that make up a human body, not very much—probably under $10. But that's hardly the end of the story. In the past decades, the human body has become a hot property in the medical world. As biotechnology takes off, the language of science is becoming permeated with commercial terms such as supply and demand, contracts, and compensation. Body parts are extracted, harvested, mined, tissue procured, cells frozen. Everything from blood to sperm has become fair game. During a recent visit to the UCLA campus, I was mildly taken aback to see a big advertisement in the student newspaper for a sperm donor who had to be Caucasian and have scored higher than 1,500 on the SAT.

Such developments have created a sense of unease on both right and left. The patenting of genes and the growing traffic in body tissue and cells has raised warning flags. For the right, stem cell research, which relies on aborted fetuses, is self-evidently a bad thing; furthermore, the prospect of reengineering human beings held out by genetic advances is seen as a moral outrage. Liberals have causes for concern as well. In 1984, Rep. Al Gore (D-Tenn.) stated that "it is against our system of values to buy and sell parts of human beings ... you don't want to invest property rights in human beings ... It is wrong."

In their highly informative *Body Bazaar: The Market for Human Tissue In the Biotechnology Age*, Lori Andrews and Dorothy Nelkin agree. Andrews is the director of the Institute for Science, Law and Technology at the Illinois Institute of Technology; Nelkin is a professor at New York University. Their writing style is lucid and vivid. They draw on numerous examples of questionable medical ethics to illustrate their contention that biotechnology is

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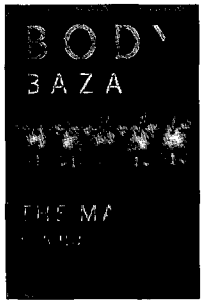
spinning out of control.

No doubt some scientists will view this book as sensationalistic. Plainly, huge advances have been made, or are just beginning to take place, in identifying and curing diseases that have resisted treatment. Utilitarians have no problem with what is taking place; thus Robert Wright, in *The New Republic*, even defended the apparent Chinese practice of selling the organs of executed prisoners as a sensible measure that shouldn't cause a flurry of indignation. In the vein of numerous recent books on privacy, the authors seek to sound alarms about where society is headed. But some measure of alarmism is perhaps justified when ethical boundaries remain murky and scientific progress has outpaced our ability to comprehend it. In their conclusion, Andrews and Nelkin envision a time when genetic testing becomes mandatory and our DNA becomes the Social Security number of the future. However concerned Andrews and Nelkin may be about the direction of the $17 billion biotechnology industry, they are seldom less than elucidatory, and their tone remains calm and convincing.



BODY BAZAAR:
The Market for Human Tissue in the Biotechnology Age
by Lori Andrews and Dorothy Nelkin
Crown Books, $24.00

At the outset, Andrews and Nelkin show how bodies have become a booming business. They tell the story of John Moore, a Seattle businessman, who fell ill with hairy-cell leukemia and went to a specialist at the UCLA School of Medicine. He underwent surgery and thought he was cured. For the next seven years, the UCLA doctor insisted that he return periodically to Los Angeles for further tests. Moore believed the tests were necessary to monitor his condition. But that wasn't the whole story. His physician, it turns out, was patenting unique chemicals in Moore's blood and setting up contracts with a Boston company worth an estimated $3 million. According to Andrews and Nelkin, "Sandoz, the Swiss pharmaceutical company, paid a reported $15 million for the right to develop the cell line taken from Moore—which the doctors had named the Mo-cell line."

Is this a horror story? The California supreme court didn't think so. In 1990, it ruled that hospitals had to inform patients that their tissue was being used, but that Moore and others had no right to profits. The doctor and the biotechnology company that took the financial risk to extract something of value from his body deserved them. Venture capital investment had to be encouraged. But, as the authors observe, the matter is not settled there. A host of other questions surround the harvesting of tissue. For example, "Doctors may—and do—subject patients to greater physical risks than are strictly necessary for the patient's own health care in order to obtain valuable tissue. Certain risky procedures can enhance the quality or quantity of the tissue recovered."

Indeed, tissue has become so desirable that bodysnatching has apparently made something of a comeback. In the 19th century, grave robbery and the murder of beggars took place. Anatomy departments would pay between $10 and $35 for a body—more than a worker could earn in a week. Now, a brisk business is taking place in organs and tissue. According to Andrews and Nelkin, "[s]cores of coroners, morgue workers, and physicians have removed organs and other tissue without consent to sell for transplantation. Organs have even been stolen from the victims of accidents, such as the devastating earthquake in Turkey in 1999."

The litany of horror stories that Andrews and Nelkin produce does, however, leave one wondering how widespread the problem is. Hard numbers are few and far between. Still, the sheer variety of episodes that they describe, coupled with the obvious financial incentives, suggest that much mischief is taking place in the medical world. It may not have been their intention, but Andrews and Nelkin have provided another good reason to avoid hospitals.

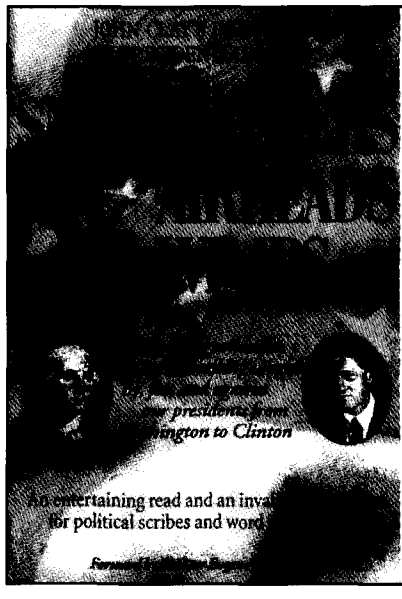
JACOB HEILBRUNN *is a freelance writer in Washington, D.C.*

Weird Science

By Joe Dempsey

IN 1935, AS CONGRESS BEGAN investigating lung disease among workers digging silica at Hawk's Nest, W. Va., an organization known as the Air Hygiene Foundation emerged to question the disease's severity, suggesting that quack doctors who diagnosed workers with the disease deprived them of their only livelihood.

AHF's campaign, described by Sheldon Rampton and John Stauber in *Trust Us, We're Experts! How Industry*



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Manipulates Science and Gambles With Your Future, succeeded on two levels. First, it downplayed silicosis so well that it has been until recently regarded as a disease of the past (even though the National Institute for National Safety and Health estimates that 100,000 workers are still at risk).

Secondly, since AHF appeared to be independent and scholarly but was actually funded by industry, it paved the way for what public relations professionals today call the third-party technique—funding a seemingly independent expert or nonprofit organization to dispute findings that may harm an industry.

TRUST US, WE'RE EXPERTS!:
How Industry Manipulates Science and Gambles With Your Futures
by Sheldon Rampton and John Stauber
J. P. Tarcher, $24.95

Working from news reports, interviews, PR industry promotional materials, and many leaked internal documents, this follow-up to 1995's *Toxic Sludge is Good For You: Lies, Damn Lies, and the Public Relations Industry* includes countless examples of the third-party technique influencing (distorting) debate on public issues ranging from bankruptcy reform and the Microsoft anti-trust case to the potential dangers of genetically modified foods.

But Potemkin nonprofits are only one problem. There's plenty of other biased and distorted information out there: The book includes tales of questionable scientific rebuttals and legitimate university scientists having to tailor—or bury—research to suit the ends of their corporate sponsors. Opposing a global warming treaty, Sen. Chuck Nagel (R-Neb.) cites the Oregon Petition, supposedly signed by 15,000 scientists skeptical of global warming's severity. To demonstrate how easily names could be added to the list, environmental activists added Dr. Red Wine, John Grisham, and Spice Girl Geri Halliwell.

Rampton and Stauber pay close attention to the interplay of media, corporations, the public, and to a lesser degree, the government. But since they write more to expose than to argue, they sometimes get a little too wrapped up in the tales they're exposing. The middle third of the book, for example, examines the ways in which corporations analyze risk, but would have benefited from a summary of conclusions.

On the whole, as the authors consider the ways in which PR maneuvering hinders a genuine discussion of problems like global warming, the reader gets a good summary of contemporary environmental problems, and a few themes emerge.

They support the precautionary principle, which advocates using safety measures when a new product or drug may plausibly pose serious risks that haven't been definitely determined. Accountability is crucial. Journalists have a responsibility to thoroughly investigate the sources of information and perspectives they write about; scientists should disclose conflicts of interest—financial connections in particular—when commenting on matters critical to industry.

Government alone will not always solve these problems: "With respect to the planting of genetically modified crops, the U.S. government has done just about everything except help drive the tractor," Rampton and Stauber write. Some Clinton environmental and trade appointees left to serve on Monsanto's board; they in turn were replaced by executives from Monsanto and other companies. Elsewhere, some government technology experts are like the Sorcerer's Apprentice: "They are enchanted with the possibilities of this power, but often lack the wisdom necessary to perceive its dangers."

What about the "good guy" nonprofits, those that aren't fronts for industry? When Rampton and Stauber write about the Center for Science in the Public Interest, which monitors fat and sugar content in food, the authors seem to admire the organization's media savviness, even sharing a snappy sound bite—fettuccine Alfredo is "a heart attack on a plate." Elsewhere they acknowledge that some environmentalists use the same scare tactics as industry, and that some public interest groups can cook statistics as well as industry. They chalk this up to "the constraints and visual nature of television." But they rule neither on whether the white hats should aim for higher standards, nor on whether these tactics are acceptable when used for ends nobler than protecting market capitalization.

The final chapter, which calls for greater citizen participation in public policy issues, seems to explain why. Here, the authors list tips for seeing through corporate-funded think tanks and questions one might ask a local university professor about the integrity of a corporation's scientific study. They support the "citizens' juries" some nonprofits create by convening a panel of average citizens to hear testimony from experts and pass judgment on public policy issues. They call activism "a path to enlightenment" that " brings us into personal contact with other people who are informed, passionate, and altruistic in their commitment to help make the world a better place."

A bit romantic, perhaps, but their commitment to this type of involvement is admirable. They wouldn't want Americans to simply sit back and watch as advocacy groups battle industry via press releases and sound bites.

JOE DEMPSEY *is a freelance writer in Washington, D.C.*

Forgotten Founder

By Michael Waldman

HISTORIANS WHO WRITE ABOUT John Adams often fall in love with him. In part, that's because he is such good copy. In his private letters, he is opinionated, grouchy, neurotic, and scathing about himself and others. (Think George Costanza in a powdered wig.) He is also the overlooked hero of the American Revolution. There are no marble monuments to John Adams on the Mall. But it was Adams who picked George Washington to head the Continental Army, and who chose Thomas Jefferson to write the Declaration of Independence.

Adams himself endlessly fretted that he might be ignored by posterity. "The essence of the whole," he once wrote, "will be that Dr. Franklin's elec-

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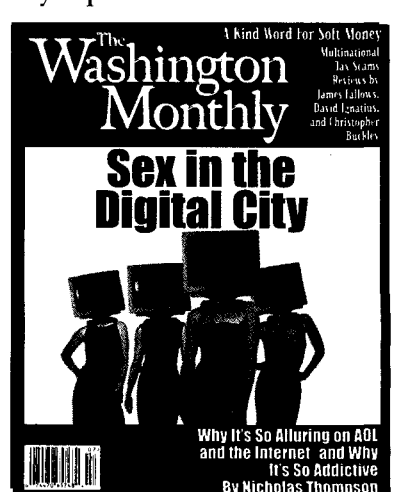

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trical rod smote the earth and out sprung General Washington. That Franklin electrified him with his rod and thence forward these two conducted all the policy, negotiation, legislation, and war." (Franklin, for his part, wrote of Adams, "He means well for his country, is always an honest man, often a wise one, but sometimes and in some things, absolutely out of his senses.")

Now Adams gets the full Big Book treatment in a wonderful new biography by David McCullough, author of the Pulitzer Prize-winning *Truman*. This is not a tome for scholars, or for those who want a detailed rendering of political differences between Federalists and Republicans. At times the reader wonders if the prickly Boston lawyer is being subtly reworked into Give-'Em-Hell John. But this book brings to life a vital and turbulent character at the center of our history, one whose clear-eyed vision has worn well.

JOHN ADAMS

by David McCullough
Simon & Schuster, $35.00

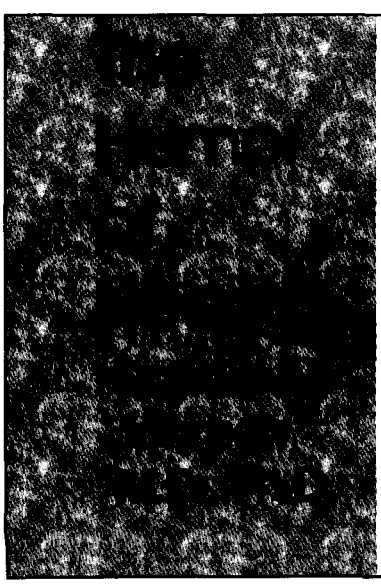
At its best, this book captures the sheer improbable adventure of the Revolution. In a few years Adams went from a small-town lawyer, best known for successfully defending the Redcoat soldiers accused of killing colonists in a riot organized by his cousin Samuel Adams, to the floor leader of pro-independence legislators at the Continental Congress in Philadelphia. He was soon bound for France to serve as an envoy for the new nation, accompanied by his young son, John Quincy. The description of that trip is thrilling, with the sailing ship slipping away in stealth, battered by storms and pursued by, and occasionally exchanging fire with, the fearsome British Navy. Before they were icons, these were revolutionaries, fugitives who would be hanged if the war were lost. Adams spent years abroad as a diplomat, wandering through the decadent capitals of pre-revolutionary Europe. Some have portrayed Adams as an easily scandalized prude, but McCullough persuasively shows him to be another American archetype—an early workaholic striver, dismayed by the old world's tolerance of sloth and inequality.

Adams returned to the United States and, as the first Vice President, was the first to discover that his fellow Founders had created "the most insignificant office ever known to man." Succeeding the irreplaceable Washington, President Adams fell victim to the political fratricide of the time. The French Revolution sharply divided Americans; the Terror thrilled Jefferson's Republicans but horrified Hamilton's Federalists. U.S. envoys were ejected from Paris, and the French navy set upon our ships. Not for the last time, war fever consumed the country. But Adams authorized peace talks, demobilized an army that Alexander Hamilton had hoped to lead, and lost reelection. McCullough persuades that Adams was a war hero president—one who triumphed by pulling the country back from war.

The book is not flawless. McCullough sandpapers Adams' rough edges, and works too hard to explain away his uglier moments. The reader wonders just why so many who knew him well thought he was off balance. He failed to attend Jefferson's inaugural? Blame stagecoach schedules. The Alien and Sedition Acts, which criminalized criticism of the government, are nearly ignored. That Adams was encouraged to sign them by his wife Abigail is a fascinating fact, but you'd have to read Joseph Ellis' *Founding Brothers* to learn it. And it is hard to believe that Thomas Jefferson could be quite as self-deluding and shallow as he is portrayed here. The book could have taken more seriously the substance of Jefferson and Adams' long disagreements, rather than just the emotional story of friendship, breach, and reconciliation.

Still, in all, the *John Adams* is not only gripping but also highly useful. There was a time when any educated American could easily summon the spirit, words, and events of the nation's founding. Plainly, that's no longer true. And it's a huge loss. Our moral leaders have long used the ideals of the revolution as a goad, and a goal. They forced their contemporaries to recognize the gap between our aspirations and present-day realities. But it's hard to do that if we don't share those common references. Lincoln's audience at Gettysburg in 1863 was entirely aware of what happened "four score and seven" years before, and King's audience at the Lincoln Memorial in 1963 understood well "the full meaning of our creed." Today's mass audiences assuredly would not. Let's hope this book rides the best-seller lists long enough to reconnect today's public with our own surprisingly heroic past.

MICHAEL WALDMAN, *former chief White House speechwriter, is author of* POTUS Speaks: Finding the Words That Defined the Clinton Presidency



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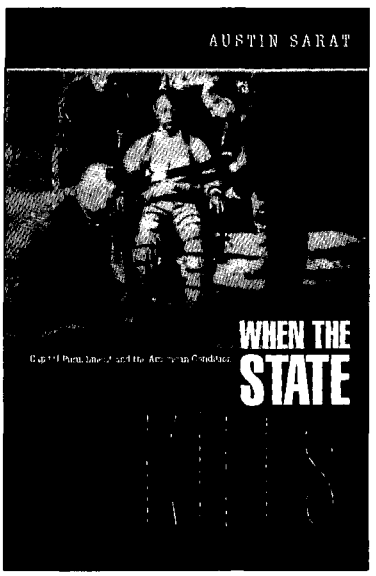

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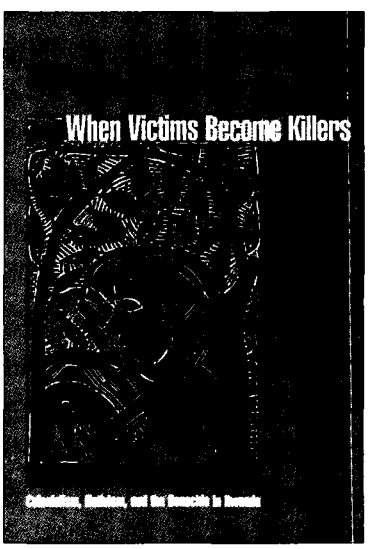

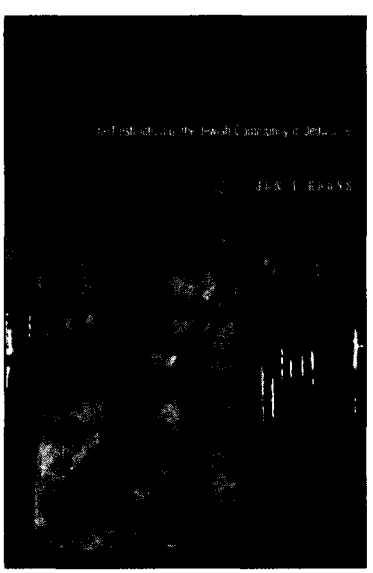

Neighbors

The Destruction of the Jewish Community in Jedwabne, Poland

Jan T. Gross

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